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NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 35.1.7

TITLE: NON-DISCIPLINARY EMPLOYEE COUNSELING FOR MINOR VIOLATIONS

EFFECTIVE: 05/10/2015
REVISED:

PURPOSE

The New Orleans Police Department recognizes that some violations of Department Rules, Policies, Procedures, or Orders require corrective supervisory guidance and not disciplinary action. This Chapter establishes a process that New Orleans Police Department supervisors may take in certain circumstances to address and resolve minor violations or infractions of Departmental Rules, Policies, Procedures, or Orders, and establishes the circumstances in which that process may be taken.

Nothing within this Chapter lessens a supervisor's responsibility to refer any observed or alleged misconduct, violation, or infraction to PIB for a formal disciplinary investigation.

DEFINITIONS

Definitions related to this Chapter include:

Complaint Form—The universal form that any person may use to file a complaint against an employee of the New Orleans Police Department. Any person can file a complaint without filling out this form (e.g., a complaint may be communicated verbally or online), and a complaint shall not be disregarded if a person refuses to, or cannot, complete this form. However, a copy of this form shall be provided to any person who requests it or asks to file a complaint, and a supervisor shall assist any such person to ensure the form is filled out thoroughly and forwarded to the Public Integrity Bureau.

Minor violation/infraction— A first violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through retraining and/or counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be considered so minor that it is correctable by simple counseling and minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of a violation within a twelve-month period (based on the date of the observed violation) may require discipline.

Non-disciplinary counseling or training—Remedial and non-punitive instruction given by a supervisor to a subordinate employee or officer on an individual basis. The purpose of Non-

Disciplinary Counseling is to resolve the problem and correct the inappropriate behavior by providing guidance. The employee does not experience any loss of rights, remuneration, or benefits. Such non-disciplinary counseling, as well as the underlying minor violation/infraction, is documented within the Complaint Form.

Remedial training—Non-punitive, in-service training that is required to specifically address a minor violation/infraction that reveals a deficiency in knowledge or procedure. This training should be viewed as an opportunity to better train and instruct officers/employees, clarifying any issues involving Departmental Rules, Policies, Procedures, or Orders.

ELIGIBILITY FOR NON-DISCIPLINARY COUNSELING

1. If a supervisor observes a minor violation/infraction by an NOPD member, and if the member's past record includes no previous violations or infractions of the same type, a supervisor may, in his or her discretion after considering the totality of the circumstances, address the minor violation/infraction through immediate non-disciplinary counseling or remedial training.

2. The supervisor must have firsthand knowledge of the behavior that constitutes the minor violation/infraction.

3. A public complaint cannot be handled through corrective action and requires formal investigation, even if the complained-of behavior is, or appears to be, a minor violation/infraction.

4. When an officer or employee repeatedly (i.e., more than once within a 12-month period) violates the same Departmental Rule, Chapter, Policy, Procedure, or Order, the minor violation/infraction may not be resolved through non-disciplinary counseling or remedial training. In such circumstances, formal investigation is required.

SUPERVISOR RESPONSIBILITIES

5. A supervisor who takes corrective action for a minor violation/infraction must document the minor violation/infraction and the specific corrective action taken on a Complaint Form. The Complaint Form must be given to, and signed by, the accused employee. The Complaint Form must then be forwarded to the Public Integrity Bureau within five days of the supervisor becoming aware of the minor violation/infraction.

6. The supervisor should provide the counseling individually, without other officers present, citing the appropriate Rule, Chapter, Policy, Procedure, or Order violated and the behavior that constitutes the violation. The supervisor should instruct the accused officer or employee how to avoid making the same violation/infraction in the future and inform the accused officer/employee that repetition of the violation/infraction may result in disciplinary action.

EMPLOYEE RESPONSIBILITIES

7. Employees receiving non-disciplinary counseling or training in response to a minor violation/infraction must sign the Complaint Form completed by the supervisor. The signature of the accused employee on the Complaint Form is to acknowledge receipt of the documentation, not to acknowledge culpability. Refusal by the accused to sign the Complaint Form acknowledging receipt shall result in the immediate initiation by the issuing supervisor of an internally generated complaint for a violation of "Rule 4: Performance of Duty; Paragraph 2: Instructions from an Authoritative Source, to wit: verbal instructions from INSERT RANK AND NAME OF SUPERVISOR to sign Complaint Form acknowledging receipt."

8. The accused officer or employee shall not experience any loss of rights, remuneration, or benefits as a result of such corrective action. If he or she denies commission of the minor violation/infraction, he/she may indicate his/her denial on the Complaint Form.

9. If an employee believes he/she has been issued a Documentation of Minor Violation/Infraction Resolved Through Non-Disciplinary Counseling or Training in error, he/she may submit to PIB within thirty (30) days of the date of issuance a 105 to the PIB Deputy Superintendent through his/her chain of command documenting his/her reason(s) for believing the issuance was erroneous. The 105 will become part of the documentation of the complaint and retained by PIB.

REVIEW

10. The Public Integrity Bureau will review the submitted Complaint Form to ensure appropriate corrective action has been taken. PIB shall review the documentation and shall have authority to require a full investigation into the alleged minor violation/infraction.

11. If PIB determines that the complained-of behavior constitutes a more serious offense requiring formal investigation, PIB shall institute a formal investigation based on the Complaint Form.

NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.3.8

TITLE: IN CAR CAMERA

EFFECTIVE: 03/08/2015
REVISED: Replaces Policy/Procedure 446

PURPOSE

This Chapter governs the use of In-Car camera systems, including activation, operation, and retention, as well as system maintenance. This Chapter does not alter a members' responsibility to comply with NOPD Policy 447, Body Worn Cameras. Nor does compliance with NOPD Policy 447 satisfy a members' obligation to comply with this Chapter.

POLICY STATEMENT

1. The New Orleans Police Department is committed to the belief that video/audio documentation of an officer's daily encounters is an important and valuable resource for law enforcement. NOPD also is committed to respecting civilians' reasonable privacy expectations, including but not limited to medical and health privacy.

2. Marked and unmarked units assigned to routine calls for service, including task forces, tactical units, prisoner transport, or SOD canine shall be equipped with the In-Car Camera system. Use of this technology provides for video/audio documentation of a police officer's enforcement and investigative activities. The In-Car Camera can objectively document officer conduct during individual interactions, provide powerful evidence of criminal activity, and protect both the public and officers from false allegations of misconduct. This Chapter is intended to achieve an appropriate balance between the benefits of In-Car Camera devices and civilians' reasonable expectations of privacy.

3. Audio or video recordings of enforcement or investigative actions are evidence, and subject to state, federal, and municipal laws, and internal policies regarding disclosure. It is in the best interest of justice that NOPD regulate and control all forms of evidence collection and storage.

4. The In-Car Camera system is designed to assist and complement patrol officers in the performance of their duties. The In-Car Camera system records certain activities, thereby creating an unbiased visual and/or audio record of the incident and a supplement to the officer's report (La. R.S. 32:365(B)).

5. NOPD members shall complete authorized training regarding In-Car cameras prior to using an In-Car Camera in an operational setting.

6. The In-Car Camera system will be used to document events and capture data to be preserved in a digital storage facility. Once captured, NOPD shall not alter the recordings and shall protect the recordings by encryption.

7. NOPD has adopted the use of In-Car Camera technology to accomplish the following objectives:

   (a) To promote officer safety;
   (b) To document statements and events during the course of an incident;
   (c) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings;
   (d) To enhance the law enforcement operator's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation;
   (e) To preserve visual and audio information for use in current and future investigations; and
   (f) To provide an impartial measurement for self-critique and field evaluation during officer training.

DEFINITIONS

For purposes of this Chapter, the following terms are defined as:

Activate—Any process that causes the In-Car Camera system to transmit or store video or audio data.

Audio Recording—The electronic recording of conversation, spoken words, or other sounds.

Case or Folder—The placement of related recording(s) into a single "folder" or "case" file.

Case Number—Item Number associated with the incident that was recorded using an In-Car Camera.

Continuous Recording—The constant streaming of live video to the In-Car Camera's internal buffer. This buffer is not retained until an event trigger has activated, causing the previous 30 seconds of the buffer to be retained and made a part of the active recording.

Display Name—Location where an incident has occurred, which corresponds to the location associated with the item number for the event referenced.

District/Division System Administrator ("DSA")—Supervisor assigned to the district or division who is responsible for inventory control and operational maintenance of the In-Car Camera system equipment at a District/Division level.

Master System Administrator ("MSA")—Supervisor(s) authorized by NOPD and assigned to the Information Systems Section with full access to user rights; he/she assigns and tracks master inventory of equipment; controls passwords and end-user security access rights; is responsible for quality checks of video and sound quality; coordinates with District/Division System Administrators; and serves as liaison with representatives on operational and equipment related matters.

Media or Data—For the purposes of this Chapter, references to media or data include photographs, audio recordings and video footage captured by the In-Car Camera device. The media are stored digitally and encrypted.

Trigger—An action that causes the In-Car Camera to begin saving video/audio recordings. Actions that trigger In-Car Camera recordings include activation of the following: emergency lights, vehicle collision sensor, body microphone switch, or the monitor's record button.

Tag—A Digital Evidence System function, which, when selected, extends the online life of a recording beyond the defaulted retention period and causes the system to archive this recording for later retrieval.

USB Key—USB thumb-drive device used to allow officers to identify themselves to the In-Car Camera in a vehicle.

Video Recording—The electronic recording of visual images with or without audio component.

Wireless Upload—The transfer of recordings from a vehicle's In-Car Camera to an assigned In-Car Camera server.

IN-CAR CAMERA MODES OF OPERATION

8. **Pre-Event Buffering Mode—**Device feature in which the camera continuously records and holds the most recent 30 seconds of video prior to record activation. With this feature, the initial event that causes the officer to activate recording is likely to be captured automatically, thereby increasing the capability of recording the entire activity.

9. **Event Record Mode—**The system is designed to automatically activate during certain activation triggers. However, officers may manually activate the recording by the monitor record button.

10. Officers shall manually stop the recording once the event ends. The officer will be prompted to manually classify the incident, assigning it a priority code between 1 and 5. The type of incident is manually classified by the amount of times the officer presses the "Stop" button. The officer shall press the Stop button the number of times indicated by the classification levels listed below:

    (a) Classification One: **Non-Event** (Logging in, crossing on red light, etc. or emergency response without issues related to other classifications).
    (b) Classification Two: **Vehicle stops for a traffic violation or other legally justified reason with or without a citation issued.**
    (c) Classification Three: **Terry Stops of a person based on a reasonable suspicion/F.I.C. stop and Searches with No Arrest**.
    (d) Classification Four: Other Incident – **No Arrest:** Any incident the officer deems worthy of recording and the incident is being noted within an incident or supervisor's report. Incidents such as critical events (civil unrest), police pursuits (no arrest), automobile collisions, and witness interviews.
    (e) Classification Five: **All Arrests or uses of force**

REQUIRED ACTIVATION OF THE IN-CAR CAMERA

11. This Chapter is intended to achieve an appropriate balance between the benefits of In-Car Camera devices and civilians' reasonable expectations of privacy. Although this Chapter identifies those situations in which activation of the In-Car Camera is required, an officer has discretion to manually activate the system any time the officer believes it would be appropriate or valuable to document an incident. The In-Car Camera shall be activated only for legitimate law enforcement purposes.

12. The In-Car Camera system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually.

13. While the system is designed to activate automatically, officers shall ensure the activation has occurred through the observation of a flashing indicator light on the In-Car Camera monitor.

14. Officers shall ensure that the In-Car Camera system is activated in the following situations:

    (a) All field contacts involving law enforcement activity within video or audio range, including, but not limited to:

    - Traffic Stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
    - Emergency responses;
    - Vehicle pursuits;
    - Suspicious vehicles
    - Arrests and transports;
    - Consent to search a vehicle;
    - Vehicle searches;
    - Deployment of drug-detection canines;
    - Physical or verbal confrontations or use of force;
    - Terry stops;
    - Victim and witness interviews, including, but not limited to, missing persons and child welfare;
    - DWI investigations including field sobriety tests; and
    - Domestic Violence Calls

    (b) Any situation in which a prisoner is being transported and is resisting or becomes violent.

    (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

    (d) Any other situation in which the officer, through training and experience believes that a recording of an incident would serve a legitimate law enforcement purpose. In exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations.

WHEN ACTIVATION IS NOT REQUIRED

15. Activation of the In-Car Camera system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

CESSATION OF RECORDING

16. Once the In-Car Camera system is activated it shall remain on and shall not be turned off until the incident has concluded. **For purposes of this section, conclusion of an incident has occurred when all arrests have been made and arrestees have been transported, or the officer has cleared the scene of a reported incident**.

17. In any instance in which cessation of the recording prior to the conclusion of the incident may be required, the officer must seek and obtain supervisory approval prior to deactivating the In-Car Camera. If supervisory approval cannot be reasonably obtained, officers must document on the In-Car Camera the reason for termination of the recording prior to deactivation of the In-Car Camera and efforts made to obtain supervisory approval.

PROHIBITED IN-CAR CAMERA RECORDINGS BY EMPLOYEES

18. No NOPD member may knowingly and surreptitiously use NOPD In-Car Cameras to record a conversation of any other NOPD member except with a court order, when documenting or reporting criminal activity, or as authorized by the Superintendent or his or her authorized designee. This prohibition does not apply to recording of off-duty NOPD officers who are subject to recording in any interactions with NOPD as subjects or witnesses in the same manner as the general public.

19. The In-Car Camera may not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

20. The In-Car Camera shall not be used to make recordings of members of the public that do not have a legitimate law enforcement purpose or are designed to embarrass or otherwise harass any person.

OWNERSHIP OF IN-CAR CAMERA RECORDINGS

21. All recording media, recorded images and audio records are the property of NOPD. Dissemination outside of NOPD is strictly prohibited, except to the extent permitted or required by law. In no event shall any recording be used or shown for the purpose of embarrassing or otherwise harassing any individual.

22. NOPD members are prohibited from copying or reproducing any In-Car Camera recordings for any other purpose not allowed by NOPD regulations including a commercial or personal reason. NOPD personnel are prohibited from using a recording device (such as a phone camera or secondary video camera) to record In-Car Camera media without authorization from the Superintendent or his or her authorized designee. NOPD personnel shall not post any In-Car Camera video recordings in any computer system, server, or web site, including social media, except as authorized by regulations.

OFFICER RESPONSIBILITIES

23. At the start of each shift, officers using an NOPD vehicle equipped with an In-Car Camera shall properly equip him/herself with his/her USB key and a body microphone to record audio and video in the field. The officer shall ensure that the body microphone received from the district is charged, powered, and synced with the vehicle being used. The body microphone shall be worn and remain active during the officer's tour of duty.

24. Officers assigned a vehicle with an In-Car Camera system shall test the equipment prior to use according to the manufacturers guidelines and testing procedures. Each officer shall check that the previous recordings were transferred from the In-Car Camera system to the server such that the officer will have adequate recording media for the entire duty assignment. In the event the previous recordings were not transferred, the officer shall contact his/her supervisor.

25. Officers, while conducting their pre-tour inspection of their vehicles, must log into the system and create a brief recording, categorizing this video as a #1 Non-Event. Officers also shall test for proper functioning of In-Car Camera at the end of each shift. Officers shall document the use of the In-Car Camera system on their daily activity report and on any written reports including electronic police reports and use of force reports.

26. It is the responsibility of the officer to ensure the In-Car Camera is working properly throughout the entire shift.

27. Officers shall relocate their vehicles to designated parking areas of their district/unit station whenever they return including at the end of their tour of duty where the In-Car Camera will wirelessly transfer the recordings to the In-Car Camera server. Officers shall ensure that the In-Car Camera has started the download process. Once this is completed the recordings will be available for review.

28. Whenever an NOPD member believes that a recorded event may lead to a citizen complaint, he/she shall bring the recording to the attention of his/her immediate supervisor as soon as possible.

29. Officers shall immediately report malfunctioning In-Car Camera equipment to his/her supervisors, and when any event required to be recorded by this Chapter is not recorded. The officer shall document the malfunction, as well as the name of the supervisor to whom the malfunction was reported, on the officer's daily activity report.

DESIGNATING IN-CAR CAMERA RECORDINGS OR USE AS EVIDENCE

30. To preserve a recording for evidence or later use, officers shall log into their Digital Evidence Series System accounts using a computer connected to NOPD's network and:

- Locate the recording and confirm that it represents the events described within the officer's report;
- Add the recording to a case file, filing in known information; and
- List the recording as evidence within their reports, including the recording's system number, and note in their narratives that the recording has been transferred to and will be stored in the Digital Evidence System.

SUPERVISOR RESPONSIBILITIES

31. Supervisors shall be responsible for ensuring that officers under their command use In-Car Cameras as required by this Chapter. Supervisors shall also be responsible for ensuring that officers under their command accurately document the use of the In-Car camera system on their daily activity report and any other written reports as appropriate, including electronic police reports and use of force reports.

32. Supervisors shall immediately report non-functioning or full In-Car Camera systems in writing to their respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. In addition, the supervisor shall document the In-Car Camera malfunction on his/her daily activity report.

33. Supervisors shall determine if vehicles with non-functioning or full In-Car Camera systems should be placed into service. If these vehicles are placed into service, the supervisor shall complete the appropriate documentation (Form 105) and transmit that form to the supervisor's respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. If the vehicle is not placed into service and it is during normal working hours of the NOPD Fleet and Equipment and Services Section, Radio Shop, the supervisor shall direct the vehicle there for repair.

34. Supervisors shall review all In-Car Camera recordings of officers listed on any report involving injuries to detainees/prisoners or officers; uses of force; vehicle pursuits; or misconduct complaints, as well as any recordings related to an incident the officer believes may result in a misconduct complaint. The supervisor shall conduct any further investigation that he/she deems appropriate. If no incident report or supplemental report directly related to the possible citizen complaint is warranted, the Supervisor shall document details of the contact via Interoffice Correspondence (Form 105). The NOPD member's immediate supervisor shall be responsible for ensuring a copy of any report or correspondence related to the contact is forwarded to their respective District/Division Commander, Bureau Deputy Superintendent, and the Deputy Superintendent of the Public Integrity Bureau.

35. In addition to any review for investigatory or audit purposes, supervisors shall regularly review the In-Car Camera recordings of their subordinates to incorporate the knowledge gained from this review into the Supervisors' ongoing evaluation and supervision of officers.

36. Supervisors shall maintain a log at the platoon/unit level that shall contain:

    (a) The date and name of the supervisor conducting the review;
    (b) The name of the officer whose recording was reviewed; and
    (c) The video number, date and time the recording was produced.

37. Supervisors shall counsel or recommend disciplinary actions for any officer found to fail to properly use or care for their assigned In-Car Camera.

38. When an incident arises that requires the immediate retrieval of an In-Car Camera recording (e.g., serious crime scenes, officer-involved shootings, NOPD vehicle crashes), a supervisor from the involved member's chain of command or the assigned investigator shall notify the MSA. In the event a vehicle equipped with an In-Car Camera is involved in a crash (20X) the recording shall be reviewed by the supervisor handling the "Supervisor Report of Accident." The Supervisor handling the accident can obtain a "Certified Copy" by submitting a request to the MSA. The duplicated copy shall be made part of the administrative report.

DISTRICT/DIVISION SYSTEM ADMINISTRATOR

39. The DSA shall ensure that all NOPD officers that use the In-Car Camera in their District/Division have proper training and are using the equipment according to this Chapter. The DSA shall be responsible for coordinating maintenance or repairs issues directly to the Master System Administrator (MSA) assigned to the Information Systems Section.

40. In the event of a malfunction requiring the memory card to be removed for a non-wireless transfer of recording(s), the DSA will remove the memory card and transfer the information into the In-Car Camera server.

41. When the DSA has been notified of a malfunctioning In-Car Camera system or component, he/she shall notify the MSA within 24 hours and make arrangements to have the equipment repaired or follow up on any vehicles that have been sent for repairs.

42. The DSA shall monitor the operation of the In-Car Camera system(s) at the district/unit level, ensuring officer compliance for training and integrity purposes, including:

    (a) Monitoring video for correct video classification;
    (b) Ensuring officers are wearing body microphones; and
    (c) Ensuring officers are stopping recordings at the end of events.

43. The DSA will conduct weekly and random reviews of recordings, as well as the logs of the platoon/unit supervisors, which shall be documented in accordance with the supervisor responsibilities. The DSA log shall contain an additional entry to indicate which platoon/unit was reviewed, to ensure compliance.

44. The DSA shall maintain the inventory and current status for all In-Car Camera equipment in his/her unit. The DSA shall provide the Field Operations Bureau and the Mobile Video Unit (MVU) with a weekly inventory report (Form 203), that will include In-Car Camera equipment listed by vehicle, with its current location, current working status, and action taken if repairs are needed. This weekly report will also contain the status of unit microphones and USB Keys.

45. The DSA shall track all USB User Keys in a USB User Key Log. These keys shall be assigned to officers operating in a Platoon or Task Force status. When the officer is transferred from this status, the officer is to turn in his/her USB Key to the DSA. The DSA shall be responsible for the district/unit respective USB Key inventory and assignment log.

46. The DSA shall track all unit In-Car Camera microphones.

47. The DSA shall notify the MVU System Administrator in writing when In-Car Camera equipment is physically moved from one location to another, or when there is a change in physical inventory requiring alteration of records.

48. The DSA shall, at least twice a week, check to ensure the server is operating.

49. When a vehicle has been involved in a crash, the DSA or designee shall, within 24 hours, notify the Mobile Video Unit of the crash and the current location of the involved vehicle. The DSA or designee shall make every effort to ensure an In-Car Camera will not be further damaged by its exposure to the elements, until the MVU can be notified and the exposed equipment removed. The DSA or a designee may remove the In-Car Camera -DVR if this can be completed without damaging the In-Car Camera equipment.

50. The NOPD Fleet and Equipment Services section, Radio Shop, shall be responsible for recovery of the entire In-Car Camera system from a permanently out of service vehicle within 96 hours of being notified of the vehicle's deletion. Once the In-Car Camera system is removed from the vehicle, the Electronics Section shall notify the MSA that they have removed the system from a deleted unit by sending a brief report to the Mobile Video Unit indicating the vehicle A#, Car#, along with an inventory of the In-Car Camera equipment removed from the vehicle.

51. The Radio Shop shall notify the MSA in advance of deleting vehicles from NOPD inventory by sending a brief report to the MSA, listing the A#, as well as Car# of the deleted vehicle.

MASTER SYSTEM ADMINISTRATOR (MSA)

52. NOPD's Master System Administrator ("MSA") assigned to the Information Systems Section shall coordinate access requests to the recorded events for officers and investigators for legitimate law enforcement purposes or as directed by the Superintendent of Police or his/her designee. In addition, the MSA shall be responsible for the storage, management, and duplication of all recorded media.

53. The MSA shall also be responsible for the following:

(a) Long-term storage of media deemed to be of evidentiary value consistent with the NOPD's storage protocols and retention schedule;
(b) Creating Cases or Editing Cases for districts/units where there are mechanical or technical malfunctions;
(c) The removal and storage of In-Car Cameras and their components from damaged and wrecked vehicles, once notified;
(d) Providing recording to the Accident Review Board;
(e) Ensuring access controls are in place
(f) Assigning and tracking inventory of equipment;
(g) Password control;
(h) End-user security access rights;
(i) Quality checks of video and sound quality;
(j) Coordinating with the District/Division System Administrators;
(k) Serving as liaison to manufacturer's representative on operation equipment related matters; and
(l) Providing data pursuant to a court order and other authorized release or distribution.

DUPLICATING AND RETAINING RECORDS

54. Duplications belong to NOPD and no duplications will be made or released to the public without approval of the Superintendent of Police or in compliance with the law. Video recordings shall be made publicly available consistent with Louisiana Public Records Law (La. R.S. 44:1 *et seq*.). Where Louisiana Public Records Law does not require that a recording be made publicly available, NOPD shall balance privacy concerns against the need for transparency in determining whether to make the video publicly available.

55. Duplication of the recordings may be compiled to become part of a criminal investigation, officer training purposes, administrative investigations, or as specified by the Superintendent of Police. All In-Car Camera recordings are subject to review by the Public Integrity Bureau, and any relevant recording shall be made part of the investigative file per NOPD "Internal Investigations" policies and procedures.

56. Any requests for a certified copy of a video must be submitted on a MVU Request Form (Form 204) and be forwarded to the MVU. Any requests from outside NOPD must also be submitted through the NOPD Records Section.

57. Consistent with the **City of New Orleans Chief Administrative Office Policy Memorandum No. 127, Record Retention**, digital recordings shall be preserved for at least two years, or if a case is under investigation or litigation for longer than two years, at least three years after the final disposition of the matter, including appeals unless a written request is made to store them for a longer period of time for a legitimate law enforcement purpose determined by the Superintendent of Police or his/her designee.

NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.3.10

TITLE: BODY–WORN CAMERA ("BWC")

EFFECTIVE: 04/05/2015
REVISED: Replaces Policy/Procedure 447

PURPOSE

This Chapter governs the use of the Body–Worn Camera systems and does not apply to or limit the use of the In-Car Camera Systems as defined in Chapter 41.3.8. Certain law enforcement assignments within the New Orleans Police Department may be equipped with an on-body audio/video recording system (BWC) as directed by the Superintendent of Police or the Superintendent's designee. This system will be used to document events and capture data to be preserved in a Web-based digital storage facility at *EVIDENCE.COM*. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The New Orleans Police Department has adopted the use of *BWC* technology to accomplish the following objectives:

(a) To promote officer safety.
(b) To document statements and events during the course of an incident.
(c) To enhance the law enforcement operator's ability to document and review statements and actions for internal reporting requirements as well as for courtroom preparation and presentation.
(d) To preserve visual and audio information for use in current and future investigations.
(e) To provide an impartial measurement for self-critique and field evaluation during officer training.
(f) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

POLICY STATEMENT

1. The New Orleans Police Department is committed to the belief that video/audio documentation of a Department member's daily encounters is an important and valuable resource for law enforcement. The New Orleans Police Department also is committed to respecting civilians' reasonable privacy expectations, including but not limited to medical and health privacy and privacy in one's home.

2. Selected field assignments may be equipped with Body-Worn Camera ("BWC") devices per Appendix "A" of this policy. The **AXON *body*** and **AXON *flex*** systems manufactured by **Taser International** are the only BWC equipment authorized for use. Use of this technology provides for audio/video documentation of a police officer's enforcement and investigative activities from the perspective of the officer's person. Benefits to using this equipment can be expected to promote officer safety, result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, racial profiling, or other misconduct. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians' reasonable expectations of privacy.

3. The BWC device is used to record certain activities, as set out in this policy, thereby creating an unbiased visual and/or audio record of the incident and a supplement to the officer's report. Audio or video recordings of enforcement or investigative actions are evidence, and subject to rules of disclosure. It is in the best interest of justice that the Department regulates and controls all forms of evidence collection and storage.

DEFINITIONS

For purposes of this Chapter, the following terms are defined as:

Audio Recording—The electronic recording of conversation, spoken words, or other sounds.

Body-Worn Camera ("BWC")—Equipment worn by a Department member that captures audio/video signals and includes, at a minimum, a camera, microphone, and recorder. There are two models of BWC systems in use by the New Orleans Police Department: 1) **AXON '*body*' System** – Self-contained / clip-on audio/video recording device; and 2) **AXON '*flex*' System** – Variable mount audio/video recording device that includes a cable tethered camera/DVR attached to a controller.

Controller Switch—Master on/off power switch located on the top left, outward-facing corner of the BWC device.

District/Division System Administrator ("DSA")—Supervisor assigned to the district or division who is responsible for inventory control and operational maintenance of the In-Car Camera system equipment at a District/Division level.

Event Record Button—Push button activation switch located in the center of the BWC device.

EVIDENCE.COM—Online Web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance. The New Orleans Police Department account is accessed at: *https://nopd.evidence.com*

Media or Data—For the purposes of this Chapter, references to media or data include photographs, audio recordings and video footage captured by the BWC device. The media are stored digitally and encrypted.

Remote Camera/DVR—Cable tethered camera/DVR affixed to an approved Taser mounting device unique to the **AXON *flex*** system. Accessories provided with the **AXON *flex*** system offer a variety of mounting options, such as on glasses, collars, epaulettes, helmets, etc.

Video Recording—The electronic recording of visual images with or without audio component.

GENERAL

4. Department members who have completed authorized training sanctioned by the NOPD Academy shall be the only personnel authorized to use a BWC in an operational setting. Department members assigned these devices are only authorized to audio or video record investigative and/or enforcement activities using departmentally assigned equipment following the practices prescribed within this chapter. The BWC shall be worn at all times while on duty when assigned this device.

5. Department members are **not** authorized to make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media from *EVIDENCE.COM*.

6. Department members assigned a BWC shall not erase, alter, reuse, modify, destroy, abuse, or tamper with BWC audio-video recordings or the device. Department members shall not use other electronic devices or other means to intentionally interfere with the capability of the BWC equipment.

7. BWC equipment will be assigned with priority given to each of the primary patrol shifts in each District and other uniform operations assigned under the Field Operations Bureau based on quantity of operational units in the department's inventory.

8. Digital recordings shall be preserved for at least two years, or if a case is under investigation or in litigation for longer than two years, at least three years after the final disposition of the matter, including appeals, unless a written request is made to store them for a longer period of time for a legitimate law enforcement purpose.

REQUIRED ACTIVATION OF THE BWC

9. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians' reasonable expectations of privacy. Although this policy identifies those situations in which activation of the BWC is required, an officer has discretion to manually activate the system any time the officer believes it would be appropriate or valuable to document an incident. In exercising this discretion, officers should be aware of, and sensitive to, civilians' reasonable privacy expectations. The BWC shall only be activated for legitimate law enforcement purposes.

   Activation of the BWC is required for the following situations:

   (a) All field contacts involving actual or potential criminal conduct within video or audio range;
   (b) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
   (c) Emergency responses;
   (d) Vehicle pursuits;
   (e) Suspicious vehicles;
   (f) Arrests and transports;
   (g) Vehicle searches;
   (h) Consent to search;
   (i) Physical or verbal confrontations or use of force;
   (j) Pedestrian checks/Terry Stops;
   (k) DWI investigations, including field sobriety tests;
   (l) Domestic violence calls;
   (m) Statements made by individuals in the course of an investigation or complaint;
   (n) Advisements of Miranda rights;

(o) Seizure of evidence;
(p) Swat rolls;
(q) High-risk warrants; and
(r) All calls for service.

10. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

11. Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate.

12. The BWC may not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

13. Department members have discretion whether to activate a BWC during consensual contacts of a non-criminal nature.

OFFICER RESPONSIBILITIES

14. Prior to beginning each shift, the assigned Department member shall perform an inspection to ensure that the Body-Worn Camera is performing in accordance with the manufacturer's recommendations. If problems are encountered with any component of the system, the BWC equipment shall not be used.

15. At the start of each shift, any member assigned to a District, Division and or Unit that has been provided with body worn cameras shall wear and use the BWC, as directed within this Chapter, while in a uniform or plainclothes capacity. Officers shall wear a BWC while working in a proactive capacity, including but not limited to: traffic checkpoints, directed patrols, and/or traffic enforcement overtime shifts. Members assigned a BWC shall ensure they have adequate recording media for the entire duty assignment and shall test the equipment prior to use according to manufacturer guidelines and testing procedures. Members shall immediately report malfunctioning BWC systems to their immediate supervisor.

16. Inspection, general care and maintenance of a BWC shall be the responsibility of the authorized Department member who has been issued this equipment. BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines, department training and associated department policies.

17. Malfunctions, damage, loss or theft of BWC equipment shall be reported immediately by the assigned Department member to an immediate supervisor. The department member's immediate supervisor shall be responsible for providing written notice to the District/Division System Administrator documenting the suspected cause of equipment failure or corrective action initiated related to possible misuse. All lost or stolen BWC's shall be documented in an incident report. (Refer to Policy/PR 700, Department Owned and Personal Property).

18. Body-worn cameras, when worn by District Patrol Officers, shall be worn in the center mass of the officer's chest. Mounting options for SOD personnel shall provide for a frontal view in accordance with uniform specifications (i.e., helmets or other protective gear).

19. Department members issued a BWC shall place the device in the ***Event Record Mode*** as soon as practical at the onset of a given situation. Once in the ***Event Record Mode***, Department members shall continue to record until the completion of the event, or until they have left the scene (this includes recording of statements). Additional arriving units to a scene shall place their BWCs in the ***Event Record Mode*** as soon as practical (if so equipped), and continue to record until the completion of the event, or they have left the scene (this includes recording of statements).

20. When the BWC is used in an investigative or law enforcement contact, this fact will be documented on any citation, summons, and/or report prepared. Whenever a Department member obtains a video statement, the fact the statement was recorded will be listed in the Incident Report. A video statement is not a replacement for a written or tape recorded statement.

21. Whenever a Department member believes that a recorded event may lead to a citizen complaint, he/she shall bring the recording to the attention of his/her immediate supervisor as soon as possible.

SUPERVISOR RESPONSIBILITIES

22. If a member makes a supervisor aware that a recorded may lead to a citizen complaint, the supervisor should review the recording and conduct any further investigation that he or she deems appropriate. If no incident report or supplemental report directly related to the possible citizen complaint is warranted, details of the contact shall be documented via Interoffice Correspondence (Form 105). The Department member's immediate supervisor shall be responsible for ensuring a copy of any report or correspondence related to the contact is forwarded to his or her respective District/Division Commander, Bureau Deputy Superintendent and the Deputy Superintendent of the Public Integrity Bureau.

23. Supervisors shall issue and inspect BWC equipment to assigned personnel to ensure proper operability per testing protocols provided under training. Non-functioning BWC systems shall not be placed into service and the equipment malfunction shall be immediately reported in writing, via Form 105, to the supervisor's respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. The DSA shall be responsible for coordinating maintenance or repairs issues directly to the Master System Administrator (MSA) assigned to the Information Systems Section.

24. Supervisors shall log into EVIDENCE.COM each working day and perform a random review of their subordinates' BWC recordings to ensure category accuracy and the proper use of the BWC is enforced.

25. Supervisors shall ensure any officer working under their supervision wears a BWC while working in a proactive capacity, including but not limited to: traffic checkpoints, directed patrols, and/or traffic enforcement overtime shifts.

26. When an incident arises that requires the immediate retrieval of a BWC digital recording (e.g., serious crime scenes, officer-involved shootings, Department vehicle crashes) a supervisor from the involved member's chain of command or the assigned investigator shall respond to the scene to secure the device and maintain a chain of custody.

MASTER SYSTEM ADMINISTRATOR (MSA)

27. The Master System Administrator (MSA) is/are supervisor(s) authorized by the New Orleans Police Department and assigned to the Information Systems Section with full access to use rights. The MSA shall coordinate access requests to the recorded events for officers and investigators for legitimate law enforcement purposes or as directed by the Superintendent of Police or his/her designee.

28. The MSA is responsible for:

    (a) Assigning and tracking inventory of equipment;
    (b) Password control;
    (c) End-user security access rights;
    (d) Quality checks of video and sound quality;
    (e) Coordinating with the District/Division System Administrators; and
    (f) Serving as liaison to Taser International representative on operational equipment related matters.

CESSATION OF RECORDING

29. The BWC shall be utilized by any Department member assigned this device during all investigative or enforcement contacts however, there may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent assault). When an officer believes such circumstances exist, or that use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may deactivate the BWC after receiving authorization from a supervisor.

30. Once the BWC system is activated, it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or an arrestee. In any instance in which cessation of the recording prior to the conclusion of the incident may be permitted, the officer must seek and obtain supervisory approval prior to deactivating the BWC. If supervisory approval cannot be reasonably obtained, officers must document on the BWC the reason for termination of the recording prior to deactivation of the BWC.

31. When handling calls for service or incidents involving the treatment of individuals at a medical facility, Department members may be required to restrict use of a BWC in accordance with facility privacy protocols. Where facility protocols do not allow for the recording of an event for which recording would otherwise be required, an officer must notify his or her supervisor as soon as reasonably practical, and shall document the reasons for the failure to activate the BWC in the incident report.

PROHIBITED AUDIO/VIDEO RECORDING BY EMPLOYEES IN THE WORKPLACE

32. The BWC shall not be used to record non-work related personal activity. The BWC shall not be activated in places where an employee has a reasonable expectation of privacy, such as locker rooms, dressing rooms or restrooms, unless a criminal offense has occurred in these locations, at which time every precaution shall be taken to respect the dignity of the victim by avoiding recording videos of persons who are nude or when sensitive areas are exposed. The BWC shall not be intentionally activated to record conversations of fellow employees during routine, non-enforcement related activities without their knowledge.

33. Department members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation.

34. Department members shall not make covert recordings of conversations with other Department members except when necessary in the course of a criminal investigation or for Department administrative investigations **and** only with the express consent of the Superintendent of Police or one of his/her designees: the Deputy Superintendent of the Public Integrity Bureau, the Deputy Superintendent of the Field Operations Bureau, the Deputy Superintendent of the Investigations & Support Bureau, the Deputy Superintendent of the Compliance Bureau, and the Deputy Superintendent of the Management Services Bureau.

35. Body-worn cameras shall not be used for purpose of conducting Departmental administrative investigations, including undercover/plainclothes operations, **without** the approval of the Superintendent of Police or his/her designee. However, this requirement shall not restrict the Public Integrity Bureau's routine access to or review of BWC recordings when investigating complaints of misconduct.

TRAINING

36. All members who are authorized to use BWC equipment must complete mandatory training provided by the NOPD Academy to familiarize themselves with the audio/video recording system and Departmental procedures prior to its use.

BODY-WORN CAMERA MODES OF OPERATION

37. **Pre-Event Buffering Mode**: Device feature through which the camera continuously records and holds the most recent 30 seconds of video prior to record activation. With this feature, the initial event that causes the officer to activate recording is likely to be captured automatically, thereby increasing the capability of recording the entire activity. Pre-event buffering does not occur when the Controller Switch is in the off position.

38. **Event Record Mode**: In this mode, the BWC device saves the buffered video and continues recording audio and video for up to eight hours or the life of the battery. To activate, the end-user must double click the Event Record Button located on the center of the OCM device (an audible tone will sound to alert the end-user the device is now recording). To stop recording, the end-user must push and hold the Event Record Button for three seconds to return to the Pre-Event Buffering Mode.

39. **Operational LED**:

(a) Solid Red LED - Device Boot up
(b) Blinking Green LED – Device Buffering
(c) Blinking Red – Device Recording
(d) Blinking Yellow – Remote Camera/DVR Disconnect / Other Device Malfunction

CATEGORIZING BWC VIDEOS

40. Department members shall properly categorize each BWC video made. Department members shall categorize a BWC video as follows:

- **ID**: NOPD item number utilizing the corresponding alphabetic character for the month (A-L), followed by a hyphen (-), followed by a five digit incident number (use zeroes to form the five digit number if necessary), followed by a hyphen (-), followed by the year Indicator which is the last two digits of the current year (EXAMPLE: A-12345-14).

- **CATEGORY**: Choose the applicable category(s) from the dropdown list. (e.g. – field interview, case file, citation, traffic stop, traffic accident, miscellaneous, training or other appropriate category listed for the event, provided, however, that miscellaneous shall be used only where the activity does not reasonably fall within another category).

- **EVENT**: Replace the "AXON Body Video" label with the address of the incident.

41. Failure to properly categorize a BWC recording may result in disciplinary action.

DELETION OF UNINTENTIONAL RECORDINGS

42. In the event of an unintentional activation of BWC equipment during non-enforcement or non-investigative activities (e.g. a restroom or meal break, or in other situation when a reasonable expectation of employee privacy exists) a Department member may request deletion of the recording.

43. A form 105 detailing the circumstances of an unintentional recording shall be forwarded via the chain of command to the member's District/ Division Commander and, if approved, the actual deletion shall require two-party authorization. One of those parties shall be the member's District/Division Commander, and the other shall be the Master System Administrator.

44. Only the Master System Administrator shall facilitate the actual removal of any record approved for deletion. Records related to any request for the deletion of records shall be maintained by the Master System Administrator.

CHARGING AND UPLOADING PROCEDURE

45. At the end of their shift, Department members issued a BWC shall place the device into an open slot on the Evidence Transfer Manager (ETM docking station) located at their District/Division assignment. This will allow for recharging of the device and media or data transfer from the BWC through the docking station to EVIDENCE.COM.

46. At the conclusion of recharge/upload cycle, the device is automatically cleared of all previously recorded data. The BWC device shall not be removed from the ETM until media or data has been uploaded and the battery has been fully recharged. When complete, a green light will illuminate on the device's associated ETM docking port signifying the BWC is ready for use. Under normal use (routine shift), a recharge/upload cycle can be expected to take between one to three hours to complete.

AUTHORIZED USER ACCESS TO UPLOADED MEDIA OR DATA

47. General access to digital recordings shall be granted to Department-authorized users only. It is the responsibility of authorized users to keep their user names and passwords confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.

48. A department member who has been assigned a BWC device may review his or her own BWC recording to help ensure accuracy and consistency of accounts. This can be done by accessing *EVIDENCE.COM*. To prevent damage, original recordings shall be viewed only by members who are assigned a BWC device through means authorized by the Department. Any review of a BWC by the officer shall be documented in the incident report corresponding with the incident.

49. A Department member involved in any use of force incident or accident causing injuries will be permitted, but will not be required, to review his or her own BWC video recordings prior to providing a recorded statement or completing reports. Witness Department members will only be allowed to review BWC video if it can be determined that their on-scene position would allow them to simultaneously perceive events in question from the same perspective as the involved member.

50. The Superintendent of Police or one of his/her designees (the Deputy Superintendent of the Public Integrity Bureau, the Deputy Superintendent of the Field Operations Bureau, the Deputy Superintendent of the Investigations & Support Bureau, the Deputy Superintendent of the Compliance Bureau, and the Deputy Superintendent of the Management Services Bureau) may authorize an investigator participating in an official Department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation, access to review specific incidents contained on BWC recordings. Access for any other purpose shall require the express approval of the Superintendent of Police.

51. A supervisor may review specific BWC media or data for the purpose of training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.

52. Field Training Officers may use media captured via a BWC device to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

53. Under no circumstances shall members with access to BWC media or data files be allowed to use, show, reproduce or release recordings for the purpose of ridicule or embarrassment of any officer or individual or for other non-law enforcement related purposes. This includes submission of any portion of a BWC recording to a media organization unless release has been approved in advance by the Superintendent of Police.

APPENDIX "A" –

List of selected field assignments required to have a Body Worn Camera in accordance with this policy

- All District Platoon Officers
- All District Task Force / General Assignment Officers
- All School Resource Officers
- All Gang Task Force commissioned personnel that are not full-time administrative staff
- All SOD commissioned personnel that are not full-time administrative staff, including:
    - Canine
    - Traffic
    - V.O.W.S.

NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 42.4

TITLE: DOMESTIC VIOLENCE

EFFECTIVE: 04/05/2015
REVISED: Replaces Policy/Procedure 320

PURPOSE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement, addressing domestic violence as a serious crime against society.

Chapter 42.4 shall apply to the respective duties of platoon officers and supervisors in responding to and supervising all cases that involve intimate partners, family or household members. Officers and supervisors shall access the Department's domestic violence policies in the NOPD Operations Manual Chapters folder of NOPD.org. The Communications Services and Domestic Violence Unit Standard Operating Guidelines are located in the Resource Folder on nopd.org.

POLICY STATEMENT

1. The New Orleans Police Department's response to incidents of domestic violence and violations of domestic violence related court orders shall stress enforcement of the law to protect the victim and hold accountable criminal offenders. It is also the policy of this department to facilitate victims' access to appropriate civil remedies and community resources whenever feasible and to prioritize victim safety and protection at each stage of its response to a report of domestic violence.

2. The Department's commitment to an interagency response to domestic violence crimes is largely dependent on the platoon officer's initial response to each case. The platoon officer report lays the foundation for each subsequent intervener, and its attention to specific details either helps or hinders each practitioner's efforts to maximize victim safety and offender accountability.

3. The Department's policy emphasizes the importance of accumulating information over time and incidents in order to understand and appropriately respond to the level of danger and risk posed by offenders in a crime that is often complex and difficult to prosecute. When officers treat each call as part of an ongoing case, patterns may likely emerge, and the safety needs of all victims become more evident.

4. Officers shall receive training consistent with this policy, including training specific to supervisor duties and responsibilities.

FOUNDATIONAL PRINCIPLES

5. The collaboration of criminal justice agencies within New Orleans to develop a coordinated criminal justice response to domestic violence is the City's Blueprint for Safety. The New Orleans Police Department, along with the City's other Blueprint for Safety agencies, is committed to a set of shared foundational principles that maximize safety for victims of domestic violence and holds offenders accountable while offering them opportunities to change. These foundational principles are:

- Adhering to an interagency approach and collective intervention goals;
- Building attention to context and severity of abuse into each intervention;
- Recognition that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders;
- Ensuring sure and swift consequences for continued abuse;
- Sending messages of help to victims and messages of accountability to offenders; and
- Acting in ways that reduce unintended consequences and the adverse impact on victims.

6. NOPD shall ensure supervisors participate in ongoing interagency Blueprint monitoring, evaluation and maintenance.

DEFINITIONS:

Definitions relevant to this Policy include:

Battering - An ongoing pattern of coercion, intimidation and emotional abuse, reinforced by the use and/or threat of physical or sexual violence. Battering can include a range of tactics including:

- **Cyberstalking** (La. R.S. 14:40.3)
- **Bodily injury or threat of bodily injury**, including, but not limited to domestic abuse aggravated assault (La. R.S. 14:37.7) and domestic abuse battery (La. R.S. 14:35.3).
- **Harassing telephone calls** (La. R.S. 14:285).
- **Sexual abuse or assault**
- **Property crime directed against the victim** (La. R.S. 14:56)
- **Stalking** (La. R.S. 14:40.2(A))
- **Strangulation** (La. R.S. 14:35.3 B(6))
- **Violation of a court order of protection or similar injunction** (La. R.S. 14:79)
- **Death threats or death (including a third party)**

Community stakeholder - Entities in the community that have joined together to foster effective intervention in and prevention of domestic violence. Community stakeholders can include but are not limited to Blueprint for Safety partners, the Domestic Violence Advisory Committee (DVAC), the New Orleans Family Justice Center, law enforcement agencies, prosecutors, parole and probation officers, advocacy organizations, social service agencies, adult and child protective services, clergy, educators, government agencies, animal welfare organizations, businesses and employers.

Court order - All forms of court orders related to domestic violence, both civil and criminal, whether issued by a court of this state or another and regardless of whether service has been made.

Cyberstalking - The action of any person to accomplish any of the following (R.S. 14:40.3):

- Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to a person's family member or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.
- Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying or harassing any person.

Domestic abuse aggravated assault - An assault with a dangerous weapon committed by one household member upon another household member (R.S. 14:37.7).

Domestic abuse battery - The intentional use of force or violence committed by one household member upon another household member (R.S. 14:35.3).

Domestic violence - Used to refer to battering between intimate partners, family or household members. Intimate partner, family and household relationships include (R.S. 46:2132, R.S. 46:2151, M.C.S.17271 54-525):

- Adults or minors who are current or former spouses;
- Adults or minors who live together or who have lived together;
- Adults or minors who are dating or who have dated;
- Adults or minors who are engaged in or who have engaged in any type of consensual sex act;
- Adults or minors who are related by blood or adoption (i.e. parents, children, foster parents, foster children, siblings);
- Adults or minors who are related or formerly related by marriage (i.e. stepparents, stepchildren);
- Persons who have a child in common or whose relationship resulted in a current pregnancy; or
- Minor children resulting from the offender having any of the relationships listed in sections (1) through (6) of this definition.

Electronic communication—The transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by wire, radio, computer, electromagnetic, photo electronic or photo-optical system.

Electronic mail—The transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person that is identified by a unique address or address number and received by that person (R.S. 14:40.3 A(2)).

Full faith and credit—The requirement by the U.S. Code title 18 section 2265 that jurisdictions honor the terms and conditions of a protective order issued by another jurisdiction.

Harassing telephone calls—The use of a telephone call, conversation or conference with another person, anonymously or otherwise, and therein use obscene, profane, vulgar, lewd, lascivious or indecent language; making any suggestion or proposal of an obscene nature; threatening any illegal or immoral act with the intent to coerce, intimidate or harass another person; making repeated telephone communications anonymously or otherwise in a manner that is reasonably expected to annoy, abuse, torment, harass, embarrass or offend another, person, whether or not conversation ensues (R.S. 14:285).

Household member—A household member is (R.S. 14:35.3 B(4)):

- A person of the opposite sex who is presently living with the offender “as a spouse”

(whether married or not).
- A person of the opposite sex who lived with the offender “as a spouse” (whether married or not) within the past five years.
- A child who presently lives with the offender, or has lived with the offender during the previous five years
- Any child of the offender, regardless of where the child resides.

This definition relates specifically to charges of domestic abuse battery and domestic abuse aggravated assault. See the Domestic Violence definition for other relationships covered by this policy.

Petitioner - The person alleging abuse in a petition for an order of protection.

Predominant aggressor - The person who poses the most serious ongoing threat.

Protective order - Any civil or criminal restraining order, injunction, bail or release order, probation condition and all other orders for protection issued to protect victims of domestic violence, sexual assault, dating violence or stalking or to deter offenders from further violence or abuse [. . .including] protections contained in support, child custody, and visitation orders and protective directives in other court orders. 18 U.S.C. § 2266(5). Emergency, ex parte, temporary, and final orders are subject to full faith and credit under VAWA.

Public figure - An elected official, sports figure, television or radio personality, celebrity, or other well-known person.

Respondent - The person alleged in a petition for a protective order to have abused another.
Self-Defense - The use of force or violence in defense. If force has been legally used in self-defense, there is an absolution of guilt or culpability. Officers shall apply laws regarding self-defense (La. R.S.14:19).

Stalking—The intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to (R.S. 14:40.2(A)) the intentional and repeated uninvited presence of the perpetrator at a person's home, workplace, school or any place that would cause a reasonable person to be alarmed or to suffer emotional distress as a result of verbal or behaviorally implied threats of:

- Death
- Bodily injury.
- Sexual assault.
- Kidnapping.
- Any other statutorily criminal act to him/herself or any member of his/her family or any person with whom he/she is acquainted.

Strangulation - Intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim (R.S. 14:35.3 B(6)).

Violation of Protection Order— Violation of a protective order is the willful disobedience of a preliminary or permanent injunction issued after a contradictory court hearing, or any ex parte protective order if the defendant has been given notice of the order through a contradictory hearing or service of process (La. R.S. 14:79).

DOMESTIC VIOLENCE DYNAMICS

7. All NOPD officers shall work in collaboration with victims, cognizant of the principles of "continuing engagement." Officers shall be aware that a single incident of domestic violence is usually part of a patterned use of coercion, intimidation and the use or threat of violence – namely battering. As such, the relationship is characterized by a "continuing" set of actions committed over time and in numerous situations. Officers shall respond to domestic violence incidents in a manner that confronts the pattern of ongoing abuse and violence. Officers shall:

- Minimize the victim's need to confront the offender whenever possible.
- Advise the victim that the officer will not share information obtained with the suspect.
- Treat each interaction with the victim as an attempt to build collaboration over multiple interventions.
- Be mindful of the complex and often dangerous implications of a victim's cooperation with the legal system.
- Be aware that the fundamental purpose of battering is to control what the victim says, thinks, feels and does.
- Engage in dialogue with the victim, thereby avoiding inadvertently treating her or him simply as an information source.
- Offer a clear alternative to messages from the batterer that the victim is crazy, at fault, Unbelievable and unable to make decisions and that the abuser is unstoppable.

CIVIL IMMUNITY

8. An officer exercising due care and good faith making an arrest and/or report while responding to a domestic violence call pursuant to La. R.S. 46.2140 and La. R.S. 46:2141 shall be immune from any civil liability that may arise as a result of the action (La. R.S. 46:2142).

OFFICER AND PARTY SAFETY

9. The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

OFFICER RESPONSE

10. All domestic violence calls assigned a code 2 priority response will be answered with two officers and, whenever possible, a supervisor. Domestic violence calls assigned a code 1A priority response may be answered by one officer. Refer to Policy/PR 316, Officer Response to Calls.

11. Single officer response to any domestic violence complaint is strongly discouraged and is only to be used when no backup unit is available. A single officer responding to a domestic violence call shall request the presence of a supervisor.

INVESTIGATIONS

12. Officers shall incorporate the following into their investigations:

- Take a proactive approach in responding to domestic violence.

  - Attempt to determine the predominant aggressor and arrest him or her. Officers shall not arrest a person who acted in self-defense as defined by state statute (La. R.S. 14:19).
  - Take appropriate action for violation of protection orders.
- Prioritize safety and protection for adult and child victims of domestic violence at each stage of its response to a report of domestic violence.
- Promote the safety of law enforcement personnel responding to incidents of domestic violence.
- Provide victims or witnesses of domestic violence with support and assistance through cooperative efforts with community stakeholders in order to prevent further abuse and harassment or both.
- Respond to and investigate reports of domestic violence professionally, effectively and in a manner without bias based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity, in accordance with the rights secured or protected by the Constitution and laws of the United States.
- Appropriately classify and investigate reports of domestic violence.

APPROACH THE SCENE

13. Officers shall respond to domestic violence calls, directly and without delay, utilizing a tactical approach as appropriate to the circumstances of the call to maximize safety for all involved.

    Officers shall:
    - Obtain all available information from dispatch, including type and level of danger, weapons, report of what the caller experienced, who is at the scene and any information which could help in locating a suspect who is not on the scene
    - Avoid the use of emergency lights and sirens when it is not essential so as not to alert the perpetrator to the officers' approach.
    - Be alert for persons attempting to leave the scene.
    - Be alert for the deployment of weapons from doors, windows or nearby vehicles.
    - Avoid parking the police vehicle in front of the site of the disturbance when possible.
    - Identify themselves as law enforcement officers and explain their presence and request entry in the event the incident is at a private residence, as necessary, and when exigent circumstances do not exist. A forced entry is permissible if there is probable cause to believe that the safety of a victim may be in jeopardy.
    - Make contact with all parties, witnesses and/or residents of the house.
    - Officers shall take into account everything they personally observe, all physical evidence and all things learned from witnesses or other persons supplying information.

SECURE THE SCENE

14. Officers shall secure the scene and, as safety permits, separate all parties.

    To ensure officer safety, responding officers shall:

    - Identify and secure weapons that might pose a threat during the investigation or that might be potential evidence.
    - Separate the parties.
    - Identify all people or witnesses on the premises.
    - Determine the whereabouts and identities of all people on the premises,

including children.
- Separate occupants and witnesses from the victim and accused, keeping them out of sight and hearing range of one another, as safety permits.
- Restrain the suspect, if necessary and/or remove the suspect.
- Assess for injuries and request medical services as necessary. Ask the parties about injuries, including those that may be hidden by clothing or otherwise not readily apparent. An officer of the same sex may be needed as further visual investigation continues and photographs of these areas are taken.
- Inquire about strangulation and internal injuries.
    - If injuries appear life-threatening or if the victim is impaired, through injury or intoxication and unable to make the decision, request medical services regardless of the victim's preference.
    - If the victim requests medical attention, EMS shall be summoned whether the officer believes medical attention is necessary or not.
    - If it appears strangulation has occurred, EMS shall be summoned.

CONDUCT INVESTIGATION

15. Officers shall obtain a comprehensive account of events by interviewing or talking with each party or witness and gathering and documenting evidence. Refer to Policy/PR 600, Investigation and Prosecution.

MAKE INITIAL OBSERVATIONS

16. Officers shall make initial observations and note spontaneous statements by those at the scene, including:

- Immediate statements made by the victim, suspect or witnesses.
- Observations of the crime scene (furniture tipped over, broken phones, doors, other damaged property; torn clothing; blood; no sign of physical altercation, etc.)
- Emotional demeanor of parties at the scene.
- Physical appearance of parties (disheveled clothing or hair, torn clothing, obvious injury, flushed face, etc.).
- Indications of drug or alcohol use by those at the scene and apparent level of intoxication or impairment (coherent in responding to questions).
- Photograph victim and crime scene.
- Determine if a weapon was involved.
- Determine if any children were present.
- Check for the existence of a protective order through the Louisiana Protective Order Registry, or by whatever means available.

PREPARE TO INTERVIEW THE PARTIES AND WITNESSES

17. Officers shall:

- Interview all parties and witnesses away from sight and hearing range of other parties as safety permits.
- Video or audio record all statements, when possible, in accordance with general department regulations.
- Arrange for an interpreter when necessary. Do not utilize either party as an interpreter.
- If the suspect has been arrested prior to the interview, give Miranda warnings before questioning the suspect.
- Interview children in a manner appropriate to their age. Document any signs of

trauma and any apparent wounds or healing of wounds on the children and take appropriate action, in accordance with state law, to prevent imminent harm to the children.

INTERVIEW PARTIES & WITNESSES

18. Officers shall obtain a comprehensive account of events by interviewing each party involved in or witness to the incident. For each person interviewed, officers shall document:

- Identifying information:
  - Date of birth
  - Contact number
  - Email address
  - School/Employer
  - Address
  - Ask the victim if the suspect knows his or her address and phone number(s). Obtain contact information from the victim that can safely be included in the police report.
- Account of events:
  - Specific nature of any threats
  - Indications of witness tampering or whether the suspect has threatened the victim if he/she seeks help from law enforcement
  - Manner in which weapons were used
  - Indications of stalking
  - Details about claims of strangulation
  - Indications of self-defense
- Injuries or impairment:
  - Pain
  - Effects of strangulation
  - Breathing
  - Impaired movement
- Emotional state
- Recent use of alcohol or drugs
- Relationship to other parties involved, including witnesses
- Obtain secondary emergency contact for victim including phone number and address of victim's family member or friend that can be contacted in the event victim is unavailable. Inform the victim that this should be a safe contact as the suspect will have access to this information in the police report.
- Presence and type of firearms and other weapons in the home, regardless of whether a weapon was used in the current incident.
- Whether a protective order is in place and, if one is said to exist, whether the victim possesses a copy.
- If witnesses provide information about prior incidents, document the information to establish a pattern.

CONDUCT RISK ASSESSMENT

19. Officers shall ask any intimate partner, family or household member who alleges violence was used against them or a crime was committed against them the **Four Risk Questions**:

- Do you think he/she will seriously injure or kill you, your children or someone else close to you?

    - What makes you think so?
    - What makes you think not?
- How frequently does he/she intimidate, threaten or assault you?
    - Is it changing?
    - Getting worse?
    - Getting better?
- Describe the time you were the most frightened or injured by him/her.
- Have you ever been threatened or intimated by the other party/parties for seeking help or attempting to seek help from law enforcement, the courts or others? If so,
    - Who threatened you?
    - When was the threat made?
    - Describe the nature of the threat
    - Was a weapon used?

COLLECT EVIDENCE

20. Officers shall collect, preserve and document all relevant physical evidence including evidence substantiating the victim's injuries and the attack (weapons, torn clothing, phone cords, etc.) as well as evidence recording the crime scene, in accordance with departmental procedure and policy on evidence collection (Refer to Policy 808, Collection and Preservation of Evidence).

21. Officers shall pay particular attention to evidence specific to sexual abuse, stalking and strangulation.

22. Officers shall:
    - Inform the victim in advance of actions to be taken and, if necessary, obtain consent to search the scene or obtain a warrant.
    - Document and photograph all injuries, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs shall be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident, or whose injuries change in appearance warranting additional photographs, shall be asked to contact the Domestic Violence Unit in the event that the injuries later become visible. Contact information shall be provided by the officer.
    - Collect and secure evidence related to the probable cause determination, regardless of whether the suspect has been arrested at the scene.
    - Photograph disarray at the scene, damaged property, including all evidence seized as well as broken windows and doors, damage to vehicles, damaged telephones and similar evidence if associated with the incident.
    - Photograph and, if possible, collect damaged property such as broken phones and bloody or torn clothing. (NOTE: Do not seize a functioning telephone, cell phone, or other communications device if it is the only working phone available to the victim.)
    - Photograph and collect electronic evidence such as text messages, email, voicemail and similar evidence. Refer to Policy/PR 814, Computers and Digital Evidence.
    - Conduct criminal history records search in any available records databases.

23. If there is probable cause to believe a vehicle was used in the commission of a crime involving domestic violence, obtain a search warrant unless exigent circumstances exists to search for evidence of stalking, kidnapping or any domestic violence related crime.

STRANGULATION

24. Be alert to the signs and symptoms of strangulation, such as scratches along the neck or chest, while being aware that strangulation does not always result in visible or immediate symptoms. If the victim has any symptoms of strangulation, immediately request EMS. Officers shall conduct an initial interview with the victim regarding the method of strangulation and its effects. Officers shall note:

    - Information regarding the offender's intention while strangling the victim ("What did the person say before, during and after strangling you? What did he/she do immediately prior to attacking you? What was his/her demeanor, facial expressions?")
    - Evidence that normal breathing or circulation of the blood was impeded (including: raspy or hoarse voice, coughing; loss of voice, difficulty talking, wheezing, shortness of breath, difficulty breathing, hyperventilation, difficulty swallowing or pain in throat, swelling of the tongue, nausea or vomiting, or dizziness).
    - Injuries including: scratches, abrasions, marks to the neck or face, impressions of hand or fingers in the skin, impression in the skin which might indicate the use of a cord or other ligature, jewelry, or other object, apparent swelling in the neck, ruptured capillaries in the eyes, under the eyelids or on the neck or fingernail marks on the victim's face, neck or chest.
    - Information regarding how the pressure was applied on the throat or neck or the blockage of the nose or mouth of the victim. (For example: "Did the person who hurt you use one hand or both hands? Use his/her arms, knees or another body part on your throat or head area? Block your nose or mouth? Did he/she use any objects, e.g., cords, ropes, against your neck/throat? Where exactly were his/her hands or the object that was used on your neck/throat? Can you demonstrate how you were strangled?")

25. Officers shall document all evidence of strangulation in the written report, using the term "strangulation" rather than "choking," unless quoting the party interviewed.

STALKING, CYBERSTALKING & HARASSING PHONE CALLS

26. Be alert to the possibility that any single report of domestic abuse could be part of a pattern of stalking behavior. Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior. Pay particular attention to repeated violations of protection orders and stay away orders. Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.

27. Officers shall:
    - Document any and all information regarding stalking behavior provided by the victim, such as:
        - Driving by or appearing at the victim’s residence, workplace or school;
        - Entering victim’s home;
        - Delivering items, such as flowers, letters, gifts, etc.;
        - Annoying or threatening hang up phone calls, emails or text messages;
        - Disabling or tapping the victim’s phone;
        - Audio or videotaping the victim without the victim’s knowledge;
        - Photographing the victim or the victim’s acquaintances;
        - Intercepting mail;
        - Ordering products or subscriptions in the victim’s name;
        - Attempting to obtain information about the victim from others; and

    - Spreading false rumors or allegations about the victim.
- When the electronic device or medium cannot be processed through forensics, officers shall document and attempt to photograph all text messages, emails, social media and web content transmitted between the two parties.

ARREST DECISION

28. When making a decision to arrest, officers shall refer to the Domestic Violence Arrest Matrix, located in the Resource Folder on nopd.org, and shall abide by the standards for arrest as defined in this chapter, charging the arrested subject with the appropriate state charge.

29. The Department has a pro-arrest arrest policy for domestic violence incidents. An officer shall arrest when he or she finds probable cause that a domestic violence incident occurred. However, if there is probable cause to believe that a victim of battering committed a misdemeanor, and that the victim of battering does not pose an impending danger to the other party, the officer has limited discretion not to arrest. To exercise this discretion not to arrest, the officer shall receive approval from a supervisor and document evidence supporting this decision in his or her report.

30. The Department **strongly discourages dual arrests** for domestic violence incidents.

USE OF RISK ASSESSMENT

31. Before making a probable cause determination, officers shall ask any party who alleges a crime was committed against him/her or his/her property the Four Risk Questions (conduct risk assessment above) regarding History/Patterns & Severity of violence used.

32. Answers to risk questions shall be utilized in the following circumstances:

    - When there is probable cause that a misdemeanor has been committed, the risk questions should be used to help an officer determine whether there is impending danger.

    - "Impending danger" is not an assessment based on a single incident, but rather on the history of violence, patterns of physical, sexual and emotional abuse and the severity of any violence used.

    - When there are conflicting accounts of the incident or there are allegations that both parties committed a crime, the officer has to conduct a predominant aggressor assessment.

OFFICER RECEIVES ADMISSION THAT ONLY ONE PERSON COMMITTED AN ILLEGAL ACT

33. If the officer receives an admission that only one person committed an illegal act and verifies the accuracy of this admission, thereby establishing probable cause for arrest, the officer shall conduct an arrest. However, if the officer finds probable cause that a person committed a misdemeanor, and that person is a victim of previous battering who poses no risk of impending danger, the officer may choose not to arrest. **The officer shall obtain supervisor approval of a decision not to arrest and document the decision in the report.**

CONFLICTING ACCOUNTS OR ALLEGATIONS THAT BOTH PARTIES COMMITTED A CRIME

34. If the officer receives conflicting accounts of the incident or if the officer receives allegations that a crime was committed against both parties, and more than one party, the officer shall follow these steps in this order: **A)** Self-defense determination; **B)** Predominant aggressor assessment, if required; and **C)** Arrest decision:

A. Self-defense determination. The officer shall **first** assess for self-defense. Generally, self-defense is the use of force or violence when it is:

- Apparently necessary to prevent a forcible offense or trespass against property in that person's lawful possession; and
- Reasonable (La. R.S. 14:19).

Under Louisiana law there is NO DUTY TO RETREAT. When a person is in a place where he/she has a right to be and is not engaged in unlawful activity, he/she may stand his/her ground and meet force with force. (R.S. 14:19). Other special self-defense scenarios and affirmative defenses include: justifiable homicide; defense of others; use of self-defense while in a dwelling, place of business or motor vehicle; and committing a crime under threat of great bodily harm.

Officers shall follow the Self-Defense and Affirmative Defenses Tool when making a self-defense or affirmative defense determination. This document can be located in the Resource Folder on nopd.org.

DO NOT arrest a party who the officer has determined has an affirmative defense or has acted in self-defense.

Officers shall conduct a thorough self-defense assessment when they receive conflicting accounts or allegations that two or more parties committed a crime. To conduct this assessment, officers shall determine whether the use of force falls under state law for self-defense (La R.S. 14:19):

- *The use of force or violence upon the person of another is justifiable when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense, and that this Section shall not apply where the force or violence results in a homicide.*

- *There shall be a presumption that a person lawfully inside a dwelling, place of business, or motor vehicle held a reasonable belief that the use of force or violence was necessary to prevent unlawful entry thereto, or to compel an unlawful intruder to leave the premises or motor vehicle, if both the following occur:*
    - *The person against whom the force or violence was used was in the process of unlawfully and forcible entering or had unlawfully and forcible entered the dwelling, place of business, or motor vehicle.*
    - *The person who used force or violence knew or had reason to believe that any unlawful and forcible entering was occurring or had occurred.*
- *A person who is not engaged in unlawful activity and who is in a place where he or she has a right to be shall have no duty to retreat before using force or violence as provided for in this Section and may stand his or her ground and meet force with force.*

B. Predominant aggressor assessment. If the officer determines that both parties used illegal force or took illegal action, and neither party acted in self-defense, the officer shall conduct a **predominant aggressor assessment**.

In making a predominant aggressor determination, the officer shall look for the **person who, by his or her actions in this incident and through history and previous actions, has caused the most physical harm, fear and intimidation against the other**, considering all of the evidence, including:

- What each party's purpose is in using violence
- Evidence from complainants and witnesses
- Extent of personal injuries

- Threat of future injury
- Prior incidents of domestic violence (see answers to 4 risk questions and prior incidents based on dispatch history)
- Future welfare of any minors
- Who uses the highest level of violence in the relationship

C. Arrest decision. If there is a predominant aggressor, the officer:

- Shall arrest the predominant aggressor if there is probable cause that the predominant aggressor committed a felony or misdemeanor.

- Shall arrest both parties if there is probable cause to believe both parties committed a felony and the supervisor concurs with the decision. **Dual arrests are strongly discouraged, and officers must obtain supervisor approval before making a dual arrest**. If a dual arrest is made, the circumstances and the supervisory review and approval of the arrest decision must be documented in the investigative report.

- If probable cause exists that the victim of battering committed a misdemeanor, an arrest of the victim of previous battering is permitted only if both parties pose a risk of impending danger. **Officers must obtain supervisor approval before making a dual arrest and document the investigation in the report**.

35. If there is no predominant aggressor, officers shall arrest when there is probable cause of a misdemeanor or a felony. As set forth below in Paragraphs 29 - 32, **dual arrests are strongly discouraged**. Officers must obtain supervisor approval before making a dual arrest and document the investigation in the report.

DUAL ARRESTS

36. Officers shall obtain their supervisor's approval before making a dual arrest.

37. The department discourages dual arrests. The only circumstances in which an officer would make a dual arrest are:
    - Both parties committed a felony; or
    - Both parties committed a misdemeanor, and both pose a risk of impending danger.

38. A dual arrest **shall not** be made if a person acted in self-defense.

39. The arresting officer shall use the same item number for both arrests. The report shall include a detailed explanation of the probable cause for each arrest.

WHEN NO PROBABLE CAUSE EXISTS

40. When an arrest cannot be made due to a lack of probable cause that a crime has been committed, then the officer shall do the following:

- Explain to the victim why an arrest is not being made.
- Advise the victim of his or her rights and explain the procedures for filing a criminal complaint.
- Encourage the victim of battering to contact the New Orleans Family Justice Center and provide information about the availability of Civil Protective Orders.
- Address a victim's need for medical care and transport to a safe place.
- Encourage the victim to call 911 if they are in danger.

41. Officers shall notify their supervisor and provide a detailed explanation as to why an arrest was not made.

ENFORCING PROTECTIVE ORDERS

42. In enforcing protective orders, officers' primary responsibility is to ensure the safety of the Petitioner. An officer **SHALL ARREST** a suspect when there is probable cause to believe that the offender has willfully violated a protective order (La. R.S. 14:79).

43. Officers shall use every reasonable means to enforce a protective order, including, but not limited to, the immediate arrest of the violator.

44. First officers must verify a protective order is in place. If officers are able to verify the order is in place, they must then enforce the order.

45. If the order cannot be enforced because it has not been served, officers shall attempt to serve the order.

VERIFYING PROTECTIVE ORDERS

46. If there is a paper copy of the order available, an officer shall enforce the order if it is authentic on its face. No other verification is required. A protective order does not need to be registered in order to be enforced.

47. Officers shall presume an order is valid if:

- The order gives the names of the parties.
- The order contains the dates it was issued.
- It has not expired (orders do not need an expiration date to be valid).
- It contains the name of the issuing court.
- There is an indication the order was issued by a judicial officer or other appropriate authority, which could be indicated by various methods, including a stamp, signature or seal.
- The order specifies the terms and conditions against the offender.

48. If the victim does not have a copy of the order or if the officer cannot determine whether the order is valid on its face, the officer shall attempt to verify the order using the following methods:

- Contact the Louisiana Supreme Court Protective Order Registry (504-568-5753, during normal business hours or 1-877-830-9680 24hr pager).
- Contact NCIC Protective Order File
- Communicate with the court or law enforcement in the issuing jurisdiction
- Draw upon personal knowledge of the officer or information obtained through an interview

49. An officer shall enforce a protective order according to Paragraphs 26 – 32 of this chapter, whether or not the victim has a copy of the protective order, if the officer is able to verify the existence of the order.

ENFORCING LOUISIANA PROTECTIVE ORDERS

50. Where the violation of a protective order constitutes a crime under La. R.S. 14:79, the officer on the scene shall arrest the offender.

SERVING PROTECTIVE ORDERS

51. If the defendant did not receive notice of the order, and service of process is needed, the officer shall attempt to serve the respondent with the order by providing him or her a certified copy of the protective order whenever possible. The officer shall note that service of the order was made in the police report and shall notify the respondent of the consequences of violating the order (La. R.S. 14:79). The officer may give the respondent the victim's copy of the order but shall assist the victim in obtaining a new copy of the order.

52. Officers shall inform victims that a copy of their police report can serve as proof that the defendant was served and that the order can now be enforced for any future violations.

ENFORCEMENT OF FOREIGN ORDERS

53. Officers shall enforce protective orders valid in an issuing foreign jurisdiction as if they were orders of Louisiana, whether or not the order has been registered (18 U.S.C. § 2265).

54. Officers shall enforce foreign orders as written, even if the order offers protection not offered in
Louisiana.

55. Violating an order from another state is a crime under La. R.S. 14:79.

56. Orders from another state are entitled to full faith and credit if:

- The court that issued the order had personal jurisdiction over the parties and subject matter jurisdiction over the case; and
- The person against whom the order was issued must have had notice and an opportunity to be heard related to the allegations of abuse and the relief sought, or opportunity to be heard will be granted within a reasonable amount of time.

(See "Enforcing Foreign Protective Orders" in the Resource Folder on nopd.org)

CONDUCTING AN ARREST

57. Once a determination is made that an arrest will be conducted, the officer shall:

- Take the accused into custody as soon as the officer determines that arrest is appropriate;
- Document any spontaneous statements made by the suspect on scene and in the officer's vehicle;
- Advise the victim that there is no guarantee the suspect will remain in custody; and
- Ensure the pink copy of the Louisiana Victim Notice and Registration (LAVNS) form is provided to Central Lock-up to ensure the victim receives notice of the suspect's release from jail.

RESPONDING WHEN A SUSPECT IS NOT ON SCENE

58. Officers shall obtain the following information when the suspect has left the scene prior to officers' arrival:

- Suspect's name, date of birth and physical description, including clothing
- Suspect's direction and mode of travel upon leaving the premises
- Description of the suspect's vehicle, if applicable
- Where the suspect might have gone
- Where the suspect stays when not with the victim
- Whether the suspect has ever interfered with the victim's attempts to seek help, especially from law enforcement

59. Officers shall take the following actions when the suspect has left the scene prior to officers' arrival:

- Search for the suspect in the immediate area and the direction and area where the suspect might have fled.
- Check with the victim or others at the scene for the suspect's phone number. If the suspect's number is available, call the suspect in an attempt to locate, request a meeting place or obtain the suspect's account of the incident over the phone. Interviewing the suspect in person is preferred.
- Encourage the victim to call 911 if the suspect returns.
- Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
- Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.
- Collect and process evidence in the same manner as when an arrest has taken place.
- After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.
- Prepare an arrest warrant when probable cause exists.

COLLECTING AND DOCUMENTING RISK INFORMATION IN FELONY CASES

60. Once an officer has conducted a felony arrest or determined there is probable cause to process a felony arrest warrant, the officer shall obtain (if not already obtained during investigation) and document the following risk information from the victim :

- Substance abuse
- Gun ownership

- Record of violence
- Employment status of the perpetrator
- Prior threats with a dangerous weapon
- Threats to kill
- Forced sex
- Choking
- Control of daily activities
- Threats of suicide
- Threats to harm children

61. It is necessary for officers to document this information in the report, as this risk information must be considered by judges in setting bail for felony domestic violence cases.

VICTIM ASSISTANCE

62. Officers shall work in collaboration with victims and provide specific support and attention to safety in responding to domestic violence calls.

63. Officers **shall not**:
    - Make any statements that would discourage a victim from reporting an act of domestic violence.
    - Ask the victim if he/she wants the suspect arrested.
    - Ask the victim if he/she will testify in court.
    - Tell the perpetrator what the victim has told the officers.
    - Threaten, suggest or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.

64. It is likely that a victim's need for law enforcement assistance will continue beyond the individual incident the officer is responding to. An officer's reaction can define whether the victim sees law enforcement as a resource for ending the violence in the future. For this reason, it is important that officers use appropriate victim interview skills. The most important rule is: In the victim's own words, at the victim's own pace. That means that officers should:

    - Avoid interrupting the victim with questions
    - Ask open-ended questions
        - "Tell me about. . ."
        - "And then what happened?"

65. It is very common for a DV victim to feel angry, and some of that anger may be misdirected towards police officers. Even if officers are experiencing misdirected anger, it is important that officers:

    - Remain patient and calm in the face of hostility.
    - Reassure the victim that he or she can continue to call law enforcement if necessary. This is especially true for victims who seem hostile or angry.
    - Reassure the victim that the violence is not her or his fault and that she or he did the right thing by calling law enforcement.
    - Provide the victim with privacy and dignity. This includes allowing her or him to change clothes if needed, shielded from on-lookers.

66. Victims are most likely to disclose abuse to the responding officer immediately following an assault. Most of the information on lethality and risk will be disclosed at this point in time.

67. By following the above information, officers can both get the most complete information about the crime that was committed and encourage victims to continue to turn to law enforcement for assistance.

68. Officers shall take the following actions to provide victim assistance:
    - Remain at the scene until the likelihood of further imminent violence has passed.
    - Recognize that remaining calm and professional even if the victim is upset or hostile will enable officers to obtain better information.
    - When possible, obtain a phone number of someone who will always know how to reach the victim. Check with the victim to make sure the number is safe to include in the report.
    - Provide victim with:
        - The Official Notice to Adult Victims of Family Violence form (Form #45); and
        - The Rights of Crime Victims and Witnesses brochure (see Policy/PR 336, Victim Witness Assistance).
    - The Louisiana Victim Notice and Registration (LAVNS) form. Tell the victim that the hotline numbers and community assistance listed on the Official Notice to Adult Victims of Family Violence (Form #45) are available to provide support 24 hours a day.
    - Provide transportation to or arrange transportation for the victim to a safe location if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
    - Assist the victim in obtaining medical treatment.
    - Notify the victim of his/her right to apply for a protective order and that assistance with this process can be obtained through the New Orleans Family Justice Center.
    - Refer all victims to the New Orleans Family Justice Center.

69. Refer to Policy/PR 336, Victim and Witness Assistance, for general guidelines on providing victim assistance.

CHECKING ON THE WELFARE OF AND INTERVIEWING CHILDREN

70. Officers shall check on the welfare of each child at the scene.

71. Officers shall attempt to talk with each child at the scene and explain that the officers are there to help and to make sure everyone is safe. Do so immediately, and privately, if possible.

72. Be aware of how the child is responding to the situation and try to reduce the child's anxiety and fear.

73. Be alert to and document any spontaneous and relevant statements made by a child witness.

74. Officers shall not interview a child when information available to the officer suggests that it might be harmful. Document the reasons for not interviewing the child or children in the report. Consider the following in determining whether to interview children:

- Child's physical, emotional or psychological ability to give a statement
- Child's age and ability to understand questions and formulate responses
- Non-offending parent/guardian's preferences as to whether and how to talk with the child or children.

75. When possible, officers shall document:

- In general, what the child heard and determine if the child has been injured or directly harmed.
- Names and dates of birth of any children present.
- Presence and location of any children at the incident.
- Physical and emotional condition of any children present.
- Child or children's involvement in the incident, if any.

76. Officers shall call for medical assistance or transport the child to the nearest hospital for treatment if a child has been injured and is in need of medical care.

AVOID ARREST IN FRONT OF CHILDREN

77. Officers shall avoid subduing or arresting a party in front of children whenever possible. If a child witnesses the arrest, talk with the child to provide reassurance that the arrested person will be alright, the child did nothing wrong, the arrest is not his or her fault, law enforcement is there to help keep everyone safe for the night and that law enforcement, not the non-offending parent, is making the arrest decision.

PROTECTIVE CUSTODY OF CHILDREN

78. When the actions of the officer result in a situation where no responsible adult will be present in the home to care for the children (e.g., dual arrest or a single arrest and the other parent/adult must seek medical treatment), the officer shall inquire of the custodial parent if there is someone who can be contacted to care for the children. When required by law (Louisiana Children's Code, Art. 601, et. Seq.), or when actions taken by the officer will result in a situation where no responsible adult can be located to care for the children, officers shall contact Juvenile Services (Policy/PR 324, Temporary Custody of Juveniles).

INCIDENT INVOLVING DEPARTMENT EMPLOYEES

79. When responding to a domestic call involving a department employee, officers shall:

- Secure the scene and address the safety needs of those present.
- Request their supervisor be dispatched to the scene to oversee the investigation.

RESPONDING TO INCIDENTS INVOLVING A LAW ENFORCEMENT OFFICER

80. Upon arrival on the scene of a domestic violence call involving a law enforcement officer, the responding officer shall:

- Immediately notify Communication Services and request a supervisor report to the scene, regardless of the involved officer's jurisdiction.
- Be aware of the heightened risk that the suspect will likely possess firearms, other weapons, physical combat training or all three.
- Secure the scene and all weapons.
- Be aware that the suspect might attempt to make emotional appeals to fellow officers.

INCIDENTS INVOLVING PUBLIC FIGURES

81. When responding to a domestic call involving a public figure, officers shall:

- Secure the scene and address the safety needs of those present.
- Request their supervisor be dispatched to the scene.
- Conduct an investigation at the direction of their supervisor.
- Make an arrest decision in accordance with department regulations.
- Advise Communication Services NOPD Command Desk to make the necessary notifications.
- When possible, take precautions to protect the victim's confidentiality, such as not using the victim's name or incident address over radio.

REPORTS

82. All Domestic Violence investigations shall be given a case disposition of RTF (report to follow) *regardless of whether or not an arrest was made*. Under no circumstance shall a NAT (necessary action taken) disposition be used for domestic violence incidents.

83. Reports shall include victim statements and disposition of the case (La. R.S. 46:2141; Ch.C. 1574).

84. The "D" designator shall be used on all domestic violence incidents.

85. When responding to a domestic violence call, the officer shall complete all domestic violence forms in their entirety, including the NOPD Domestic Violence Patrol Report Checklist (Form #46) and injury documentation on the Domestic Violence Supplemental page.

86. Officers shall utilize the NOPD Domestic Violence Patrol Report Checklist, (Form 46), when investigating a Domestic Violence call for service. This checklist is used as a guideline, which contains important questions that need to be asked and answered for a complete investigation; ensuring the officer is receiving the necessary information on the scene. The officer shall document the responses within the narrative of the report. Officers shall complete a predominant aggressor assessment to include the **4 Risk Questions** listed in the checklist. **The responses to the 4 Risk Questions shall be documented in the report narrative. The responses shall also be included in an arrest warrant or gist when applicable.**

87. **The checklist shall be attached to the police report as a document.**

ELECTRONIC MONITORING DEVICES

88. An investigating officer shall complete a report when he/she has been notified by an alert from an electronic monitoring device that an offender may have violated a court order. The report shall be forwarded to the appropriate prosecutor and issuing court within 24 hours of the alert (La. R.S. 46:2143; C.Cr.P. 335.1). The investigating officer shall attempt to contact the victim and make reasonable attempts to locate the offender.

CHANGING THE SIGNAL

89. Should the officer believe the parties do not meet relationship criteria for intimate partners, family members or household members, the officer shall contact his/her supervisor for approval to proceed with the investigation as a non-domestic incident.

90. Should the officer believe the parties do meet the relationship criteria in this chapter for intimate partners, family members or household members, 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.

91. ***Only a supervisor may downgrade the signal of a domestic violence call.***

DISTRICT LEVEL DETECTIVES

92. Any district level detective conducting a supplementary investigation of a domestic violence case shall abide by the Domestic Violence Unit Standard Operating Guidelines.

DOMESTIC VIOLENCE UNIT STANDARD OPERATING GUIDELINES

93. The Domestic Violence Unit supervisor shall be responsible for returning incomplete reports to the appropriate platoon supervisor or District Commander for review and a supplement, when necessary.

94. The Domestic Violence Unit will be responsible for follow-up investigations of felonies, certain misdemeanors and certain cases where the offender is not arrested on the scene.

PLATOON SUPERVISOR

95. Platoon supervisors shall relay the department’s priorities and expectations, thereby reinforcing the interagency response and the platoon officer’s key role. This is accomplished by the supervisors’ attending domestic violence calls at the scene when required by department regulations; reviewing reports to maintain the department’s report-writing standards; and reinforcing the importance of thorough reports to victim safety and offender accountability.

SUPERVISOR RESPONSIBILITIES WHEN CHANGING A DOMESTIC VIOLENCE SIGNAL

96. Only a supervisor may change the signal of a domestic violence call by notifying Communication Services on the primary dispatch talk group for that District. The supervisor shall also complete a Request for Signal/Disposition Change form (Form #226) if the determination to reclassify the signal is made after the initial scene is marked up. A call for service shall not be reclassified when the relationship between the parties fits the intimate partner, family or household member definition.

SUPERVISOR SCENE OVERSIGHT

97. Supervisors shall be responsible for monitoring any domestic violence calls dispatched to the officers under their direct supervision.

98. Whenever possible, platoon supervisors shall respond to the scene for Priority 2 domestic violence calls for the purpose of providing additional safety, monitoring officers' on-scene activities and compliance with policy and offering assistance and advice. Refer to Policy/PR 316, Officer Response to Calls.

SUPERVISOR REPORT REVIEW

99. Platoon supervisors shall:
    - Conduct reviews of platoon officers' reports.
    - Utilize the Supervisor's *Domestic Violence Report Review Checklist(Form 341)*, located in the Resource Folder on nopd.org, to ensure the necessary domestic violence elements are present in each platoon officer's report.
    - Return incomplete reports to the officer for corrections and meet with officers to discuss ongoing problems with report writing.
    - Attach the completed Form 341 with the reviewing supervisor's trip sheet at the end of their tour of duty.

SUPERVISOR APPROVAL OF DECISIONS NOT TO ARREST AND DUAL ARRESTS

100. Supervisors are responsible for approving or disapproving an officer's decision to make a dual arrest consistent with Paragraphs 21 – 32 of this chapter.

101. When notified of a lack of probable cause to make an arrest, supervisors shall:
    - Advise the officer to make an arrest based on the information provided; or
    - Advise the officer to document the reason for not making an arrest.

SUPERVISOR RESPONSIBILITIES IN EMPLOYEE INVOLVED INCIDENTS

102. Supervisors shall:
    - Respond to scene of all department employee–involved domestic violence incidents.
    - Notify the Public Integrity Bureau and follow department regulations.
    - Ensure the scene is secured, including weapons, and oversee the scene until PIB investigators arrive on scene.
    - Ensure the victim is given the required information about victims' rights and is given the Official Notice to Adult Victims of Family Violence form (Form #45).

SUPERVISOR RESPONSIBILITIES IN INCIDENTS INVOLVING PUBLIC FIGURES

103. Supervisors shall:
    - Respond to scene of all domestic violence incidents involving public figures.
    - Notify the Communication Services NOPD Command Desk to make notifications.
    - Ensure the victim is given the required information about victims' rights and is given the Official Notice to Adult Victims of Family Violence form (Form #45).

PUBLIC INTEGRITY BUREAU SUPERVISOR

104. A Public Integrity Bureau Investigator shall conduct investigations of department employees involved in domestic violence incidents.

TRAINING

105. The Commander of the Education and Training Division or his/her designee shall develop a plan for training officers who respond to domestic violence calls in accordance with department policy. Training will reflect changes in policy, law and developments in best practices over time.

106. All officers shall receive, at least annually, comprehensive mandatory instruction on this policy and responding to domestic violence calls.

NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 52.1.1

TITLE: MISCONDUCT COMPLAINT INTAKE AND INVESTIGATION

EFFECTIVE: 06/7/2015
REVISED: Replaces Policy/Procedure 1020

PURPOSE

This Chapter governs the reporting, receipt, classification, assignment, processing, investigation, and disposition of complaints regarding allegations of misconduct against employees.

Every allegation of employee misconduct shall be accepted and fully and fairly investigated. Written findings will be supported by reliable evidence using a "preponderance of the evidence" standard.

POLICY STATEMENT

1. The New Orleans Police Department (NOPD) is fully committed to the thorough investigation of every misconduct complaint regarding service provided by the Department and the conduct of its employees. The Department will accept and address every complaint of employee misconduct in accordance with this Chapter.

2. Discipline is a function of command. Supervisory and non-supervisory employees both share in the responsibility for the administration of the disciplinary process by personal adherence to every Departmental Rule, Chapter, Policy, Procedure, order, and criminal or civil law. Every employee is equally responsible in reporting any violation to a supervisor, PIB, or to the Superintendent of Police.

3. The Public Integrity Bureau (PIB) is primarily responsible for ensuring a fair and consistent disciplinary process throughout the Department. This includes the coordination and supervision of all disciplinary investigations involving all employees of the Department and the assignment and processing of all complaints and allegations.

4. While investigating allegations of misconduct and imposing discipline, NOPD shall abide by federal law, including the U.S. Constitution, and state law, including Louisiana's Police Officer Bill of Rights (La. R.S. 40:2351, "Rights of Law Enforcement Officers While Under Investigation."

DEFINITIONS:

Definitions relevant to this Chapter include:

Allegation-driven classification of complaint action—Assignment of complaint action to a particular investigative unit based on the complainant's allegation rather than on the possible outcome of the investigation.

Allegation of criminal misconduct—A complaint alleging officer conduct that, if true, would constitute a crime.

Classification date—The date on which PIB determines the complaint will be investigated as a public complaint; internally generated complaint; minor infraction resolved through counseling or training; or NFIM.

Cognizance date—The date on which an NOPD supervisor, whether assigned to PIB or assigned to another bureau, receives a complaint of alleged employee misconduct from any source, observes employee misconduct, or gains knowledge from any source of employee misconduct.

Complainant—Any person, including a community member, a nonresident, or a sworn or civilian member of NOPD, who makes a complaint against NOPD or any NOPD employee.

Complaint—Any allegation of misconduct committed by any NOPD employee that is reported by any person, including any NOPD employee.

Complaint action—One of four actions taken based upon the classification by PIB:

- The initiation of a Formal Disciplinary Investigation on the basis of a public complaint of employee misconduct;
- The initiation of a Formal Disciplinary Investigation on the basis of an internally generated complaint of employee misconduct;
- The documentation of a minor violation/infraction resolved through non-disciplinary counseling or training; or
- The documentation of a Non-Formal Investigation (NFIM) by any Departmental supervisor.

Complaint Form—The universal form that any person may use to file a complaint against an employee of the New Orleans Police Department. Any person can file a complaint without filling out this form (e.g., a complaint may be communicated verbally or online), and a complaint shall not be disregarded if a person refuses to, or cannot, complete this form. However, a copy of this form shall be provided to any person who requests it or asks to file a complaint, and a supervisor shall assist any such person to ensure the form is filled out thoroughly and forwarded to the Public Integrity Bureau.

Complaint Tracking Number (CTN)—A unique number assigned by PIB Intake to each complaint received and entered on the Complaint Form and all documents associated with intake, classification, investigation and adjudication of the complaint. The CTN includes the year the complaint was filed followed by a four digit sequential number starting with 0001 for the first recorded allegation of the year, followed by an alpha character indicating the source of the complaint (i.e., P = public; R = rank). For example, 2014-0001P indicates the first complaint received in 2014 and it was filed by a member of the public.

Documentation of Minor Violation/Infraction Resolved Through Non-Disciplinary Counseling or Training—Documentation by a supervisor of at least equal or higher rank than the accused of verbal or written counseling by that supervisor when he/she has become aware of or has observed a minor violation/infraction (see Chapter 35.1.7). The supervisor must have firsthand knowledge of the employee's behavior that constituted the violation.

Force Tracking Number (FTN)— A unique number assigned by FIT to each reportable use of force event to facilitate awareness event and tracking of a use of force investigation. The number includes the letters "FTN" for Force Tracking Number, followed by the year the force event occurred followed by a three digit sequential number starting with 001 for the first recorded allegation of the year. FTN 2014-001 indicates the first reportable use of force event in 2014.

Formal Disciplinary Investigation—Internal investigation that may result in disciplinary action as set forth in the Civil Service Rules.

Incident report—Official written documentation by NOPD (usually in the form of an Electronic Police Report) of the occurrence of an incident occurring in Orleans Parish. The incident is assigned a unique "item number" by the Orleans Parish Communications Division Computer-aided Dispatch system at the time the call for service is received by the Communications Division either by telephone from an outside source (e.g., 911 or 821-2222) or generated in the field and requested over the police radio.

Internally generated complaint—Any complaint initiated by an NOPD employee, sworn or civilian, other than a documentation of minor violation/infraction resolved through counseling or training. Internally generated complaints require Formal Disciplinary Investigations.

IPM—Independent Police Monitor.

Limited English Proficient (LEP)—A person who does not speak English as his/her primary language and has a limited ability to read, write, speak, or understand English is considered "LEP." An LEP individual may be competent in certain types of communication (e.g., speaking or understanding), but may still be considered LEP for other purposes (e.g., reading or writing).

Minor violation/infraction—A first violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through retraining and/or counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be considered so minor that it is correctable by simple counseling and minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of a violation within a twelve-month period (based on the date of the observed violation) may require discipline.

Misconduct—Any action or inaction that violates any Departmental Rule, Policy, Procedure, Order, verbal or written instruction, or criminal law.

Misconduct Investigation Initiation Form—The form used internally by PIB to document the classification of each complaint and all steps in the complaint investigation process. Because NOPD uses an allegation-based classification system, the specific allegation of misconduct will be articulated on the form. However, PIB shall independently classify all complaints, and only PIB shall have the authority to classify complaints.

No Formal Investigation Merited (NFIM)—A complaint action in which the allegation, on its face, does not constitute a violation by an employee of any Departmental Rule, Policy, Procedure, verbal or written instruction, or criminal or civil law. NFIM will be used only for the following types of complaints:

- Complaints disputing traffic citations, except an allegation of misconduct contained in such complaints (e.g., racial profiling, illegal search, excessive force) will be classified and investigated according to its merits;
- Complaints alleging delayed police service (e.g., patrol response or detective follow-up) in which the preliminary investigation demonstrated that the delay was due to workload. However, if the preliminary investigation disclosed that misconduct such as negligence, rather than workload, caused the delay, the complaint will be classified according to its merits;
- Complaints regarding the conduct in a civil incident of an off-duty employee, unless the alleged conduct or its effects constitute misconduct or had a substantial nexus to the employee's employment; and
- Complaints in which the preliminary investigation demonstrated that the subject employee did not work for NOPD at the time of the incident or in which the identity of the subject employee cannot be determined despite the best efforts of the PIB investigator.

Non-Disciplinary Counseling or Training— Remedial and non-punitive instruction given by a supervisor to a subordinate employee or officer on an individual basis. The purpose of Non-Disciplinary Counseling is to resolve the problem and correct the inappropriate behavior by providing guidance. The employee does not experience any loss of rights, remuneration, or benefits. Such non-disciplinary counseling, as well as the underlying minor violation/infraction, is documented within the Complaint Form.

NOPD Authorized Interpreter (NOPDAI)—A bilingual or multilingual NOPD employee who has been authorized to interpret for others in certain situations such as interviews, interrogations, or taking and responding to public complaints.

NOPDAI List—A list of NOPD employees who are bilingual or multilingual and authorized by the Department to act as interpreters.

OIG—Office of the Inspector General.

Preponderance of the evidence—Such evidence that when considered and compared with that opposed to it has more convincing force and produces in one's mind the belief that what is sought to be proven is more likely true than not true.

Public complaint—Any allegation of misconduct made by any non- member of NOPD.

Public Integrity Bureau (PIB)—The NOPD bureau that is primarily responsible for ensuring a fair and consistent disciplinary process that includes the coordination and supervision of every disciplinary investigation involving an NOPD employee and the assignment, investigation, and processing of every complaint.

PIB reports directly to the Superintendent of Police, and is commanded by a civilian Deputy Superintendent of Police. PIB consists of the following: Intake Section, Criminal Investigations Section, Administrative Investigations Section, FIT (Firearms Investigation Team), Special Investigations Section, Staff Programs, and Special Projects Section. PIB also administers the Professional Performance Enhancement Program (PPEP).

Rights of Law Enforcement Officers While Under Investigation (La. R.S. 40:2531)— Louisiana law governing the rights of every Louisiana law enforcement officer relative to disciplinary investigations (see addendum).

RETALIATION

5. NOPD is committed to ensuring that every employee, as well as any member of the community, can report misconduct to the NOPD without fear or concern for reprisal or retaliation. The Department expressly prohibits an employee from engaging in any form of retaliation, including intimidation, coercion, or adverse action against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.

6. Any form of retaliation by any employee toward anyone for reporting misconduct or for cooperating with an investigation shall be grounds for discipline, up to and including termination. (Refer to **Chapter 26.3 – Work Place Discrimination-Retaliation**.)

SOURCE OF COMPLAINT

7. A complaint may be made by any person, including a member of the public, a civilian or a sworn member of the NOPD. The complainant will be asked to sign a Complaint Form or provide information to the receiving supervisor who shall complete the form for the complainant. Refusal to sign a Complaint Form will not negate the requirement that the allegation be documented and fully and fairly investigated. All internally generated complaints shall be investigated in the same manner as a public complaint.

8. Any complaint received by NOPD via an anonymous source or third-hand from any known source (e.g., news media, OIG, Metropolitan Crime Commission, District Attorney's Office, the City Attorney's Office, or outside agency) shall be investigated fully and fairly with what information is given and/or discovered during the course of the investigation.

COMPLAINT - METHODS OF SUBMISSION

9. A complaint may be made at any time (24 hours a day, seven days a week) to:

   - any NOPD member;
   - directly to PIB (in person during regular business hours, or by telephone);
   - in person at any police station or facility; or
   - at the complainant's location (such as his/her residence or business in Orleans Parish), at the complainant's request.

10. A complaint may also be made in writing to NOPD's Web site (nopd.com), the Superintendent's Office, or any police facility address by e-mail, fax, or USPS mail.

11. PIB shall ensure that Complaint Forms, informational materials, brochures, posters, and instructions for making complaints are available online at the City of New Orleans and NOPD web sites and in print at appropriate government properties, including NOPD Headquarters, NOPD District police stations, City Hall, Orleans Parish courthouses, all Orleans Parish public libraries, the Office of the IPM, the Orleans Public Defenders' Office, the District Attorney's Office, and at City-administered offices or gathering places of community groups, upon request. Permanent placards will be posted and maintained at all NOPD police facilities describing the external complaint process available to all persons. The placards shall include telephone numbers, e-mail addresses, and Internet

sites for complaint filing. The commanding officer in charge of the NOPD unit housed in the facility shall be responsible for ensuring such materials are available in the public areas of the facility.

12. Any individual may submit a misconduct complaint through NOPD and City web sites. PIB shall ensure these web sites include not only Complaint Forms, but also instructions on how, where, and in what manner misconduct complaints may be filed to ensure the public that no complaint is ever refused, disregarded, or dismissed as trivial. PIB shall monitor these websites on a daily basis in order to promptly identify any misconduct complaints.

13. The Complaint Form and related informational materials shall be made available and posted in the Spanish, Vietnamese, and English languages. Any LEP individual who wishes to file a complaint against an NOPD employee shall be provided with an intake form and instructions in English, Spanish, or Vietnamese, as appropriate, as well as the appropriate translation services (NOPDAI, if needed) to file a complaint.

RESPONSIBILITY OF ALL MEMBERS TO REPORT MISCONDUCT

14. Any Departmental member who observes or becomes aware of any act of possible misconduct by another employee shall report the incident in accordance with this Chapter. Failure to report or document an act of misconduct or criminal behavior shall be grounds for discipline up to and including termination.

15. If a Departmental member observes or becomes aware of any act of possible misconduct by another employee of **equal or lesser** rank, he/she shall report the incident to any Departmental supervisor or directly to PIB prior to the end of his/her tour of duty that same day. This conduct may be reported verbally, or in writing using a Complaint Form. If the complaint is reported verbally, the receiving supervisor or PIB shall audio-record the reporting employee's statement, and the audio-recording shall be made a part of the Complaint Form as an attachment. Any written document shall be made a part of the Complaint Form as an attachment.

16. As set forth in NOPD Chapter 35.1.7, when a supervisor elects to address and resolve a minor violation/infraction through non-disciplinary counseling or training, the supervisor must complete a Complaint Form and document the specific minor violation/infraction observed, as well as the counseling or training imposed. That form must be given to, and signed by, the accused employee, and forwarded to the Public Integrity Bureau within five days of the supervisor becoming aware of the minor violation/infraction.

17. If a Departmental member observes or becomes aware of any act of possible misconduct by another employee of **greater rank**, he/she shall report this incident directly to PIB prior to the end of his/her tour of duty. This report may be made in writing through a Complaint Form, in person at PIB during its regular hours or by contacting the on-call PIB investigator after regular working hours.

18. Any supervisor being consulted by any other member about an allegation of misconduct by any member shall accept the complaint as outlined in this Chapter. If the allegation is of a serious nature (e.g. possible criminal violation), he/she shall contact PIB immediately and advise PIB of the identity of the complainant and the nature of the complaint.

RESPONSIBILITY TO ACCEPT COMPLAINT OF MISCONDUCT

19. All NOPD members shall courteously receive all complaints. Every complaint from a member of the public or an NOPD member shall be courteously received. NOPD employees are prohibited from discouraging in any manner the filing of a misconduct complaint. The refusal by any employee to accept a misconduct complaint, the discouragement of filing a misconduct complaint, or the providing of false or misleading information to a complainant about filing a misconduct complaint shall be grounds for discipline.

20. For every complaint, the receiving employee shall immediately advise his/her supervisor of the location of the complainant, and the allegation. If the identity of the accused employee is known, the receiving employee shall also advise his/her supervisor of the identity of the accused employee. The supervisor in the police district in which the complainant is currently located shall be notified and shall respond to the complainant's location. The supervisor shall be responsible for assisting the complainant to document the complaint. That supervisor shall be responsible for following the procedure for submission of the Complaint Form to PIB.

21. Every misconduct complaint, including an anonymous or third-party complaint, shall be accepted by PIB or by the supervisor meeting with the complainant. Under no circumstance will any employee in any assignment or of any rank, title, or position refuse to accept a complaint or re-direct any complainant to the PIB office to file his/her complaint. Before concluding the meeting with the complainant, the receiving supervisor shall contact the PIB office and obtain a Complaint Tracking Number which shall be given, in writing, to the complainant, or verbally if the complainant is submitting a complaint by phone. If the PIB office is closed at the time the complaint is made, the supervisor shall contact the on-call PIB investigator to immediately obtain a CTN. PIB, including its on-call investigators, shall maintain an up-to-date and accurate log of complaints, ordered by the CTN issued for each complaint.

22. If PIB advises the supervisor that immediate direct contact between PIB staff and the complainant is necessary, the supervisor will notify the complainant and remain with him or her until a PIB investigator arrives.

23. The supervisor shall also provide the complainant with his/her own business contact number and PIB's office number. It shall be the supervisor's responsibility to ensure that any compliant received by that supervisor receives a CTN. The supervisor shall inform the complainant that he/she will be notified by the investigator periodically in writing of the progress of the investigation and shall also be notified at the conclusion of the investigation of the final disposition.

24. NOPD members shall provide their name and badge number to any individual upon request, regardless of whether the individual explicitly requests to make a complaint.

25. If the alleged misconduct involves possible criminal activity or a serious use of force, the supervisor shall (in addition to obtaining a CTN) **immediately** notify PIB either directly or through the NOPD Communications Command Desk, which shall notify the on-call PIB investigator.

26. If the alleged misconduct involves a serious use of force, the supervisor shall (in addition to obtaining a CTN) immediately notify PIB FIT. FIT shall respond to the scene and otherwise proceed in accordance with NOPD **Chapter 1.3.2 - Force Investigative Team**...

27. Nothing in this procedure shall prevent or discourage any supervisor from seeking advice from or making notification to PIB in any complaint situation in which the supervisor may seek guidance.

COMPLAINT DOCUMENTATION

28. The supervisor receiving a complaint from any source shall answer any question the complainant may have about the information requested on the Complaint Form and shall review the information written by the complainant to ensure the complaint is defined clearly. The supervisor shall ensure the complainant understands the importance of answering, if possible, all relevant questions, which include the complainant's personal and contact information including the preferred method of contact and best time to attempt contact; a possible need for language assistance; the name, badge number, and assignment of the accused officer; a detailed description of the accused employee and any other Departmental employee on the scene of the event; his/her clothing/uniform; the type of vehicle driven, including any identifying markings; the date, time, and location of the event; the facts of the alleged violation, including specific actions taken and/or words spoken by the employee; and name and contact information of any witness. If circumstances indicate that the complainant is incapable or unable to complete the form, the supervisor shall offer to complete the form for the complainant.

29. Every Departmental supervisor who has been issued a Departmental recording device (body-worn camera and/or digital audio-recorder) shall record the statement of a complainant(s) and any witness or a person with first-hand knowledge of the incident. **A refusal by a person to be recorded shall not be grounds for refusal to accept a complaint.** The complainant's actual refusal to allow his/her complaint to be recorded should be audio/video-recorded if possible, and the supervisor should make the recording a part of the written complaint action. Recordings shall be labeled with the date, the CTN, the name of the accused member, and the name of the person(s) whose statement(s) is/are recorded. This recording shall be labeled as an attachment and made a part of the Complaint Form submitted to PIB by the receiving supervisor.

30. Whether handwritten or dictated, the Complaint Form should be signed by the complainant. Should the complainant refuse to sign the Complaint Form, the supervisor shall write "REFUSED TO SIGN" on the signature line to indicate his or her refusal. **A complainant's refusal to sign shall not invalidate acceptance of the complaint.** If the complainant cannot sign his/her own statement, the supervisor should document the reason on the form. The supervisor shall retain the original Complaint Form and, if possible at the time of the complaint, provide the complainant with a photocopy of his/her Complaint Form with the CTN. The supervisor should attach any document the complainant provides (e.g., citation, notes, photograph, correspondence, text or email message documentation, medical record, booking document-preferably in photocopied form) to the Complaint Form.

31. In addition to assisting with the completion of the Complaint Form, the supervisor shall also collect and list any available physical evidence, such as a photograph of a claimed injury or the absence thereof; any audio or video recordings; any CEW recordings; any documentation of medical treatment; or a photocopy of the traffic citation, affidavit, summons, or booking paperwork. Every photograph shall be marked with the date and time taken, the full name of the individual in the photograph, the name of the supervisor taking the photograph, and the CTN. The supervisor shall gather all relevant information, including the names of all NOPD officers and employees involved in or witnessing the alleged misconduct. The supervisor shall take photographs of apparent injuries, or the absence thereof, unless the complainant/subject objects or declines.

TRANSMITTING COMPLAINT TO PIB

32. A supervisor receiving a public complaint shall deliver, prior to the end of his/her tour of duty, a Complaint Form and all supporting materials to PIB. When a supervisor obtains a CTN from PIB, he/she becomes responsible for completing a Complaint Form in its entirety, including all relevant documentation of the alleged or known/observed employee misconduct and submitting this documentation to PIB by the end of his or her tour of duty. The supervisor shall receive a receipt for the delivery of the Complaint Form and supporting materials; the receipt shall be kept on file by the supervisor's place of assignment.

33. A supervisor receiving a complaint from another NOPD employee, or initiating a complaint against another employee, shall transmit, prior to the end of his/her tour of duty, a Complaint Form and all supporting materials to PIB.

34. A non-supervisor NOPD employee initiating a complaint against another employee directly to PIB shall transmit, prior to the end of his/her tour of duty, a Complaint Form and all supporting materials to PIB.

REQUEST FOR WITHDRAWAL OF A COMPLAINT

35. If a complainant expresses his/her desire to withdraw a complaint, he/she may complete a "Request to Withdraw Complaint" form; however, NOPD does not allow the dismissal, withdrawal, or cancellation of any complaint against any employee on the request of the original complaining individual. The investigator shall audio and/or video record the interview with the complainant in which he/she shall be asked to explain the reason(s) for the request to withdraw. This audio and/or video recording and the completed withdrawal form shall be made a part of the investigation which must continue, utilizing what information has already been provided by the complainant and any witness, if any refuse to cooperate further. The investigation must be concluded with a proper disposition. The disposition of "WITHDRAWN" is not utilized by NOPD.

REQUEST FOR CANCELLATION OF A COMPLAINT ACTION ORIGINALLY REQUESTED BY AN NOPD SUPERVISOR

36. The supervisor who is also documented as the complainant may request to "CANCEL" or change that complaint action to another form of complaint action (e.g., "Internally Generated Complaint" to "Documentation of Minor Violation/Infraction Resolved Through Non-Disciplinary Counseling") utilizing an inter-office correspondence (NOPD Form 105) through his/her chain of command to the PIB Deputy Superintendent of Police. The 105 must contain the reason(s) the supervisor is requesting to cancel the complaint or to utilize a different form of complaint action.

37. The original 105 must be delivered with the chain of command approvals and/or disapprovals to PIB within five (5) days of the cognizance date of the alleged violation. If any person in the requesting supervisor's chain of command disapproves the request, the initial complaint shall proceed as written and submitted. The 105 requesting the change will continue through the approval process and will be made a part of the investigative file on the complaint. The person disapproving the request must document his/her reasons in a cover 105 which will become a part of the request and follow through the chain of command.

38. The PIB Deputy Superintendent of Police has the final judgment in any request to cancel a complaint or change the complaint action type to another. If the request is not approved, the original complaint action shall continue uninterrupted in its original classification. If another form of complaint action is approved, the investigation shall continue to be governed by the original complaint action due dates.

PUBLIC INTEGRITY BUREAU RESPONSIBILITIES

39. PIB has the primary responsibility for the intake, coordination, review, classification, and assignment of every allegation of employee misconduct. The PIB Deputy Superintendent is delegated the authority of the Superintendent of Police for the purpose of directing every disciplinary investigation and any matter involving employee integrity or the known or alleged misconduct of any Departmental employee. The PIB Deputy Superintendent shall report directly to the Superintendent of Police on all disciplinary matters.

40. Once PIB is notified of possible criminal activity involving an NOPD officer or employee, PIB shall immediately notify the Superintendent of Police, the District Attorney and IPM.

41. PIB's responsibilities also include:

- Review of every complaint;
- Review of all video evidence pertaining to every complaint prior to categorization and classification;
- Categorization of every complaint as a public complaint; an internally generated complaint; a minor infraction resolved through counseling or training; or a complaint that qualifies as an NFIM;
- Classification of every complaint, no matter the categorization, as use of force, criminal, or administrative;
- Sub classification of allegations within the “administrative” category into subcategory groups for assignment, including: (1) serious misconduct; (2) other (non-serious) misconduct; (3) allegations eligible for Negotiated Settlement; and (4) allegations eligible for Community-Police Mediation;
- Assignment of every complaint to the appropriate bureau for investigation;
- Assignment of due dates for all investigative forms and investigations;
- Investigation of all complaints retained by PIB;
- Review and approval of every completed complaint action, investigation, report, or document, whether completed by PIB or another bureau;
- Review of all Use-of-Force investigations completed by field supervisors to ensure they are complete, and that the supervisor’s determination that the force is justified is supported by the evidence (See **Chapter 1.3.6 - Reporting Use of Force**);
- Final determination of the disposition of all complaint actions, whether investigated by PIB or another bureau;
- Issuance of the Notification to Accused Law Enforcement Officer under Investigation of a Pre-Disciplinary Hearing or Determination of an Unfounded or Not Sustained Complaint. (Notification form to be prepared by investigator and submitted with the completed investigation); and
- Transmittal of notification letter to every complainant indicating the result of the investigation after final approval of the formal disciplinary investigative disposition.

AUTHORITY TO CLASSIFY A COMPLAINT

42. Only PIB has the authority to classify an allegation of employee misconduct. PIB shall have exclusive authority to initiate an appropriate complaint action.

COMPLAINT CLASSIFICATION AND ASSIGNMENT

43. Upon receiving a completed Complaint Form or other allegation of misconduct, PIB shall determine whether the allegation of misconduct constitutes:

- a public complaint;
- an internally generated complaint;
- a minor violation/infraction resolved through counseling or training; or
- a complaint that qualifies as an NFIM.

44. PIB shall review all available video evidence before categorizing every complaint. PIB shall have sole authority to make this determination, and shall independently assess each Complaint Form notwithstanding any preliminary designation made by the member completing the Complaint Form.

45. As set forth within **Chapter 35.1.7 - Non-Disciplinary Counseling for Minor Violations**, PIB shall review all Complaint Forms designated by a supervisor as "Documentation of Minor Violation/Infraction Resolved through Counseling" to determine if the supervisory counseling given is an appropriate response to the alleged misconduct or if, instead, the alleged misconduct requires investigation as an internally generated complaint.

46. For all allegations of misconduct not categorized by PIB as "Documentation of Minor Violation/Infraction Resolved Through Counseling or Training" or "NFIM," PIB shall classify each allegation into one of the following categories:

- Use of Force;
- Criminal; or
- Administrative.

47. As set forth below, PIB shall further classify allegations within the "administrative" category into subcategory groups for assignment, including: (1) serious misconduct; (2) other (non-serious) misconduct; (3) allegations eligible for Negotiated Settlement; and (4) allegations eligible for Community-Police Mediation. PIB's complaint classification protocol, which is "allegation-based" rather than "anticipated outcome-based," shall be used to guide PIB in determining to which Bureau a complaint shall be assigned.

48. When it is appropriate to ensure the fact and appearance of impartiality for investigations of serious uses of force or force indicating apparent serious or criminal misconduct by an officer, these investigations may be referred to an independent and highly competent entity outside of NOPD. PIB's complaint classification protocol shall ensure that PIB or an authorized outside agency investigates allegations of serious or criminal misconduct.

ALLEGATIONS OF MISCONDUCT INVOLVING USE OF FORCE

49. Complaints involving allegations of serious uses of force, uses of force indicating apparent criminal misconduct by an officer, or uses of force by NOPD personnel of a higher rank than sergeant shall be investigated by FIT. Refer to **Chapter 1.3.2, Force Investigative Team**.

50. When it is appropriate to ensure the fact and appearance of impartiality for investigations of serious uses of force or force indicating apparent criminal conduct by an officer, these investigations may be referred to an independent and highly competent entity outside of NOPD.

ALLEGATIONS OF CRIMINAL MISCONDUCT

51. Complaints involving allegations of criminal conduct will be investigated by PIB/Criminal, including but not limited to:

- Commission of a crime;
- False arrest;
- Domestic Violence;
- Unlawful Search; and
- Civil Rights Violation(s).

ALLEGATIONS OF SERIOUS MISCONDUCT

52. Misconduct allegations that involve serious misconduct but that do not involve force or allege criminal misconduct will be investigated by PIB/Administrative, including but not limited to:

- discriminatory policing;
- false arrest;
- "planting" evidence;
- untruthfulness/false statements;
- unlawful search;
- retaliation;
- sexual misconduct;
- domestic violence;
- misconduct implicating the conduct of the supervisory or command leadership of the subject employee; and
- any allegation that a Commander request be investigated by PIB rather than by the accused employee's Bureau. An investigation that requires the assistance of a specialized or support unit shall be coordinated with that unit's commander.

OTHER MISCONDUCT ALLEGATIONS

53. Complaints of misconduct of a less serious nature may be assigned to the accused member's unit of assignment for investigation. These include but are not limited to:
    - discourtesy;
    - neglect of duty;
    - service complaints;
    - missed court; and
    - lack of professionalism.

NEGOTIATED SETTLEMENT

54. As outlined in Chapter 24.1, in certain limited circumstances, upon classifying a complaint, NOPD through PIB may elect to address and resolve a rank-initiated violation (i.e., an allegation of misconduct reported by an NOPD supervisor) through a negotiated settlement agreement between the department and the officer. See NOPD **Chapter 24.1 - Negotiated Agreement and Settlement**.

COMMUNITY-POLICE MEDIATION

55. As outlined in **Chapter 24.2, Community-Police Mediation**, in certain limited circumstances, upon classifying a complaint, NOPD through PIB may elect to address and resolve an allegation of misconduct brought by a civilian through an OIPM-led mediation program.

INVESTIGATION OF ALLEGED CRIMINAL CONDUCT

56. The Superintendent of Police shall be notified as soon as practical when apparent criminal conduct exists. In the event of an allegation of a criminal violation, the Superintendent of Police may request an outside law enforcement or prosecutorial agency to conduct the criminal investigation parallel to the administrative investigation conducted by NOPD.

57. An employee accused of criminal conduct shall be provided with all rights and privileges afforded to an individual under the State and Federal constitutions.

58. The subject officer shall not be compelled to provide a statement to misconduct investigators where there is a potential criminal investigation for prosecution of the officer until the remainder of the investigation has been concluded, unless after consultation with the prosecuting agency and the PIB Deputy Superintendent, such compulsion is deemed appropriate by the Superintendent.

59. If there are both criminal and administrative investigations, those investigations shall be conducted concurrently unless otherwise directed by the PIB Deputy Superintendent. In the event the subject officer provides a compelled statement, PIB shall ensure that any criminal investigation shall not subsequently have access to that statement or the administrative investigation during the pendency of the criminal investigation.

60. No employee action other than administrative reassignment or suspension shall be taken against the accused employee based solely on an arrest or crime incident report. An independent administrative investigation shall be conducted based upon the allegation(s) in the crime incident report.

ASSIGNMENT OF AN ADMINISTRATIVE INVESTIGATION

61. The investigation of an alleged administrative violation involving serious misconduct shall be completed by PIB, and any complaint deemed by the PIB Deputy Superintendent or his/her designee to be of a serious nature may be retained within PIB for investigation.

62. The investigation of other alleged administrative violations may be assigned by the PIB Deputy Superintendent or his/her designee to another bureau. Once an administrative violation is assigned to a bureau for investigation, the bureau liaison who interacts with PIB and who is appointed by the individual bureau deputy chief shall assign the investigation within the bureau.
The investigation shall be assigned to a supervisor of at least equal or higher rank than the accused. The investigator shall not be a member who was involved in the incident as a witness or alleged participant.

63. Whether retained in PIB for investigation or assigned to an investigator from another bureau, the procedures to be followed during the investigation are the same.

EMERGENCY SUSPENSION OR ADMINISTRATIVE RE-ASSIGNMENT

64. If a violation involves an action or condition which, in the opinion of a supervisor, negatively impacts the accused employee's continued ability to perform his/her duty, the supervisor shall notify PIB. PIB will review the known facts and take the necessary steps to obtain the proper authorization from the PIB Deputy Superintendent to have the employee placed on emergency suspension or administrative reassignment (refer to **Chapter 52.8-Suspensions, Emergency Suspensions or Arrest of Employees** and PIB Directive No. 8, Administrative Reassignment and Emergency Suspension Procedures).

ACCUSED OR WITNESS EMPLOYEE RESPONSIBILITIES

65. Nothing in this Chapter shall alter an officer's obligation to provide a public safety statement regarding a work related incident or activity. All public safety statements and other officer statements in incident reports, arrest reports, use of force reports, and similar documents, and statements made in interviews such as those conducted in conjunction with NOPD's routine use of force review and investigation process, are part of each officer's routine professional duties.

ADMINISTRATIVE INVESTIGATIONS

66. Every NOPD employee is required to be truthful at all times in spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of employment and operations of the Department. Failure to comply shall result in termination.

67. In any administrative investigation of an employee, an accused or witness employee shall:

- Cooperate fully in the investigation process;
- Give a written and/or audio/digitally/video-recorded statement upon request by the investigator;
- Sign any written or transcribed statement made by the employee;
- Appear at any disciplinary hearing when instructed by an authoritative source;
- Submit to a breath test when ordered by a supervisor;
- Submit to any or all of the following conducted by an authorized/certified examiner when ordered by the Superintendent or his/her designee: 1) A polygraph examination; 2) A Computer Voice Street Analyzer (CVSA) examination; 3) A Psychological Stress Exam (PSE); 4) A urinalysis, blood test, and/or other medical laboratory test; 5) A psychological and/or psychiatric evaluation; 6) A physical line-up; 7) The taking of photographs; and/or 8) Handwriting analysis;
- Submit a financial disclosure statement when ordered by a Court having jurisdiction. A photocopy of the court order shall be labeled as an exhibit and made a part of the investigative report;
- Sign a Confidentiality Admonishment form (NOPD Form #305). The form shall be supplied by the PIB investigator; and
- Read, sign, and date the original superintendent's disciplinary letter (NOPD Form 105) for the PIB case to document that he/she has been formally notified of the disposition of an investigation in which he/she is an accused employee.

EMPLOYEE REPRESENTATIVE DURING A DISCIPLINARY INVESTIGATION INTERVIEW

68. In either an administrative or criminal investigation, an NOPD employee acting as a representative for an accused and/or observing the interview of an individual in connection with an investigation conducted by PIB into the alleged misconduct of NOPD personnel, shall be required to sign a Confidentiality Admonishment (NOPD Form 305) prior to the commencement of the interview. The form shall be supplied by the PIB investigator.

69. The member's representative, if any, will only advise the member but will not in any other way interfere with the interview.

INVESTIGATOR & INVESTIGATIVE PROTOCOLS

70. The supervisor who has been assigned to conduct a complaint investigation shall be designated as the "investigator." The investigator shall be of at least equal rank to the accused employee; however, an exception may be approved by the Superintendent of Police or the Deputy Superintendent of PIB. A misconduct complaint investigator may not be a supervisor who:

- used force during the alleged incident;
- conducted himself/herself during the alleged incident in a manner that led to the injury of a complainant;
- authorized the conduct that led to the alleged incident; or
- witnessed or was directly involved in the alleged incident leading to the allegation of misconduct.

71. Officer misconduct investigations shall be as thorough as necessary to reach reliable and complete findings. The misconduct complaint investigator shall interview each complainant in person, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant. If extenuating circumstances require that the interview of the complainant not be conducted in person, the investigator shall document those extenuating circumstances in the investigative file.

72. All witnesses, including officers witnessing or involved in an incident that becomes the subject of a misconduct complaint, shall provide a written statement regarding the incident or be interviewed as described below.

- Where the alleged misconduct is particularly serious or interviews of the subject officer(s) or other witnesses may be necessary to sufficiently investigate the allegation, the investigator shall conduct an in-person interview. The interview shall be recorded in its entirety, absent, in the case of non-officer witnesses, specific documented objection.
- Each officer, witness, and complainant shall be interviewed separately. A NOPDAI not involved in the underlying complaint will be used when taking statements or conducting interviews of any Vietnamese or Spanish speaking LEP complainant or witness.

73. The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, especially all NOPD officers. The investigator shall note in the investigative report the identities of all officers and other witnesses who were on the scene but assert they did not witness and were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.

74. In each investigation, NOPD shall consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations based upon that evidence. There will be no automatic preference for an officer's statement over a citizen's statement, nor will NOPD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. NOPD shall make efforts to resolve material inconsistencies between witness statements. If such inconsistencies cannot be resolved adequately, the investigator should expressly state that in his/her report.

75, The resolution of any misconduct complaint must be based upon the preponderance of the evidence.

76. A misconduct investigation shall not be closed simply because the complaint is withdrawn or because the alleged victim is unwilling or unable to provide additional information beyond the initial complaint. In such instances, the investigation shall continue as necessary within the allowable investigation timeframes established under this Agreement to resolve the original allegation(s) where possible based on the evidence and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense shall not be the deciding factor as to whether an NOPD officer committed the alleged misconduct, nor shall it justify discontinuing the investigation.

FORMAL DISCIPLINARY INVESTIGATION DUE DATE CALCULATION

77. An administrative investigation shall be completed within the time limitation mandated by LA RS 40:2531, which requires every investigation to be initiated within fourteen (14) days of the Cognizance Date. The date when a PIB investigation is initiated is known as the Classification Date. All due dates are calculated upon the Classification Date.

78. Every investigation must be completed within sixty (60) days of the Classification Date unless an extension of sixty (60) days is granted by Civil Service. The Civil Service extension extends the final due date to 120 days from the classification date. Within that time frame, the investigator's written investigation (accompanied by exhibits), the various levels of supervisory review which may necessitate corrections/additions/clarifications, the final approvals at every level, and the verbal and/or written "Notice to Accused Law Enforcement Officer Under Investigation of a Pre-Disciplinary Hearing or a Determination of an Unfounded or Not Sustained Complaint" (NOPD Form #308) must be completed.

EXTENSION OF FORMAL DISCIPLINARY INVESTIGATION DUE DATE

79. An extension of the formal disciplinary investigation due date may be requested by the investigator if a complainant, witness, principal, or evidentiary material will not be available or if extenuating circumstances preclude the investigator's ability to complete the investigation by the assigned due date. The investigator may apply to Civil Service for an extension of the sixty-day due date (NOPD Form 200). The extension request must be submitted to Civil Service within the first thirty days of the investigation (i.e., within 30 days of the date of classification). The form shall be hand delivered by the investigator to the Civil Service office where it will be date/time stamped. An extension hearing will be set by Civil Service to allow the Civil Service Hearing Officer to determine if the extension is necessary, and to allow the accused employee to address the requested delay.

80. The assigned investigator shall ensure a photocopy of the date-stamped extension request (Form 200) is delivered to PIB within forty-eight (48) hours of the date-stamp. A photocopy of the written decision by the Civil Service hearing examiner given to the investigator after the hearing must also be delivered to PIB within forty-eight (48) hours of the hearing or receipt by the investigator.

81. Photocopies of the date-stamped request and the hearing examiner's written response shall be made a part of the investigative report as exhibits. The amended PIB due date, (always one hundred (100) days from the Classification Date) is written on page two (2) of the Misconduct Investigation Initiation Form by PIB to reflect the due date if/when an extension is approved by Civil Service.

PIB LIAISON

82. When a Bureau receives notification from PIB that a disciplinary investigation is to be assigned to that bureau, the PIB liaison for that bureau shall respond to PIB and complete the receipt for assignment. The Bureau Chief shall assign the investigation to a supervisor in that bureau who is of at least equal rank to the accused employee. Only one investigator is to be assigned to any investigation, regardless of the number of accused employees or differing assignments. The PIB liaison is responsible for calculating and documenting on the Misconduct Investigation Initiation Form all bureau due dates. The bureau representative is also responsible for maintaining a tracking system for that bureau's investigations to ensure all due dates are met at every bureau level and that the completed and approved investigation is submitted to PIB on or before the PIB due date. The internal bureau due dates should take into account and allow for report review, corrections, and resubmissions.

INVESTIGATOR'S UNIT AND/OR DIVISION COMMANDER

83. The investigator's unit commander shares with PIB and the Bureau Commander the overall responsibility for ensuring the timely completion of a coherent and comprehensive disciplinary investigation. The investigator's commander shall review the completed investigative report and concur or not concur with the investigator's recommendation(s). If the investigator's unit commander does not concur with the investigator's recommendation, he/she shall write an NOPD Form 105 to the PIB Deputy Superintendent and the Superintendent of Police, through his/her chain of command documenting his/her differing recommendation(s) and the reason for each change of recommendation. This 105 shall be placed on top of the investigative report and shall accompany it to the Deputy Superintendent of PIB. The composing of this 105 shall not delay the processing of the investigation in the bureau.

84. The investigator's commander shall return to the investigator for further action any investigation that has a factual or investigative deficiency, error, or omission. The deficiencies will be identified in a written report to the investigator that is made part of the file and a copy forwarded within 24 hours of completion to the Deputy Superintendent of PIB.

85. The investigator's commander shall forward to, and ensure receipt of, the reviewed and approved investigative report to his/her respective bureau commander, to be received by the bureau commander no later than the due dates stipulated by the bureau representative on the Misconduct Investigation Initiation Form. Any revision by the investigator to the investigative report shall not delay the processing of the investigation by the unit commander.

INVESTIGATOR'S BUREAU CHIEF

86. The investigator's Bureau Chief shares with PIB and the unit/division commander the overall responsibility of ensuring the timely completion of a cogent, coherent disciplinary investigation. For disciplinary investigations assigned to a bureau, the investigator's bureau chief shall review the completed formal disciplinary investigative report and concur or not concur with the investigator's recommendation(s).

87. If the investigator's Bureau Chief does not concur with the investigator's recommendation, he/she shall write an NOPD Form 105 to the PIB Deputy Superintendent documenting his/her differing recommendation(s) and the reason for each change of recommendation. This 105 shall be placed on top of the investigative report and shall accompany it to the PIB Deputy Chief. The composing of this 105 shall not delay the processing of the investigation in the bureau.

88. The investigator's Bureau Chief shall return to the investigator for further action an investigation which has a factual or investigative deficiency, error, or omission. The deficiencies will be identified in a written report to the investigator's commander that is made part of the file and a copy forwarded within 24 hours of completion to the PIB Deputy Superintendent.

COMPLETION OF MISCONDUCT INVESTIGATION INITIATION FORM

89. The Misconduct Investigation Initiation Form shall be fully completed by the bureau's PIB liaison, the investigator, the investigator's unit commander, and the Bureau Chief before submitting the completed investigative report to PIB. Each signature shall include a date.

DISPOSITION OF MISCONDUCT INVESTIGATION

90. Each allegation shall result in one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded—the investigation determines by a preponderance of the evidence that the alleged misconduct did not occur or did not involve the accused officer.

Sustained—the investigation determines by a preponderance of the evidence that the alleged misconduct did occur.

Not sustained—the investigation is unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

Exonerated—the investigation determines by a preponderance of the evidence that the alleged conduct did occur but did not violate NOPD policies, procedures, or training.

Resigned Under Investigation (RUI) citing the disposition of the completed investigation

- If the accused employee resigns before the investigation is concluded or before the completion of discipline, the investigation shall be completed and the disposition shall reflect both "RUI" and the investigator's disposition of each accusation. No hearing is conducted.

Retired Under Investigation (RUI) citing the disposition of the completed investigation (e.g., RUI/Sustained or RUI/Exonerated)

- If the accused employee retires before the investigation is concluded or before the completion of discipline, the investigation shall be completed and the disposition shall reflect both "RUI" and the investigator's disposition of each accusation. No hearing is conducted.

91. In addition to resulting in one of the preceding dispositions, administrative investigations shall also assess and document whether the police action was in compliance with training and legal standards; whether the incident indicates a need for additional training, counseling, or other-non-disciplinary corrective measures; and whether the incident suggests that NOPD should revise its policies, strategies, tactics, or training. PIB shall document sharing this information with the relevant commander(s), who shall refer any recommendations to the appropriate individual for implementation, document the implementation, and return that documentation to PIB.

COMPLETION OF INVESTIGATION

92. Every investigator or supervisor assigned to investigate a complaint action shall proceed with due diligence. Factors such as witness availability and the complexity of allegations may affect the progress of the case. Every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt and in accordance with Departmental Procedure and the Rights of Law Enforcement Officers While Under Investigation (RS 40:2531(B)(7)).

93. Investigations shall be completed within 60 days (La. R.S. 40:2531(B)(7)) of classification. Classification must occur within fourteen days of the cognizance date. The assigned investigator may request an extension from the New Orleans Civil Service Commission for an additional 60 days if the investigation reasonably requires such an extension.

94. The investigation is considered complete upon written notice to the employee under investigation of a pre-disciplinary hearing or a determination of an unfounded or not sustained complaint (R.S. 40:2531(B) (7)). The member conducting the investigation should ensure his/her report is completed by the assigned due date so notification can be made in a timely manner.

PIB DEPUTY SUPERINTENDENT

95. The PIB Deputy Superintendent shall review every completed investigative report from every bureau.

96. For investigative reports completed by a bureau other than PIB, the PIB Deputy Superintendent shall compose a cover 105 to the Deputy Superintendent of the investigator's bureau addressing and returning any investigative report which has a factual or investigative deficiency, error, or omission which will require further investigation by the investigator. Once all deficiencies, errors, or omissions have been corrected, the investigation shall be returned to the PIB Deputy Superintendent for final review and approval.

97. Investigative reports will not be returned informally; they can only be returned with a cover 105 from the PIB Deputy Superintendent to the Deputy Superintendent of the investigator's bureau.

98. For investigative reports completed by PIB, the PIB Deputy Superintendent shall return to the investigator any investigative report which has a factual or investigative deficiency, error, or omission which will require further investigation by the investigator. Once all deficiencies, errors, or omissions have been corrected, the investigation shall be returned to the PIB Deputy Superintendent for final review and approval.

99. PIB shall determine the final disposition of all complaint actions. The PIB Deputy Superintendent shall either concur or not concur with the investigator's recommendations or those of any reviewing supervisor documented in a cover 105. If he/she does not concur with any of the recommended dispositions, he/she shall compose his/her own 105 addressed to "Memo to File" if he/she determines a differing recommended disposition.

SUPERINTENDENT OF POLICE

100. Once the Deputy of Superintendent of PIB has approved the disposition of an investigation conducted by PIB, the investigation disposition shall be transmitted to the Superintendent of Police for review and final approval. For those investigations conducted by a bureau other than PIB, the Deputy Superintendent of PIB's review concludes the investigation.

INSPECTION BY ACCUSED EMPLOYEE OF COMPLETED INVESTIGATION

101. An investigation of misconduct may include confidential and protected information not revealed to anyone other than authorized personnel, except pursuant to lawful process and in compliance with the **Chapter 82.1.1 - Records Release and Security**. The investigative file shall be securely maintained in PIB for the period required by the organization's record retention schedule.

COMMUNICATION WITH COMPLAINANT

102. PIB shall regularly inform the complainant of the status of the misconduct investigation. At a minimum, PIB shall inform the complainant in writing of the classification of the complaint and the unit assigned to investigate the complaint within ten business days of classification; the disposition of the investigation within ten business days of the investigation's completion; and whether any disciplinary action was taken within ten days of disciplinary decisions being reached.

RELEASE OF INFORMATION TO THE PUBLIC

103. The release of member information to the public shall be coordinated through the Public Information Office and the Office of the Superintendent of Police.

104. PIB records are maintained and secured by PIB and are accessible only as consistent with law. The PIB file room is secured with a coded and audible alarm system. PIB records are maintained indefinitely, in accordance with State law and Departmental policy.

ANNUAL STATISTICAL SUMMARIES OF INTERNAL INVESTIGATIONS

105. PIB shall compile annual statistical summaries based on records of internal investigations and publish the report on the NOPD's Web site. The purpose of the report is to inform the public of the NOPD's investigations and dispositions of misconduct complaints. The annual statistical summary shall be made available to the public or an employee of the Department upon written request to the NOPD Custodian of Records and subsequent approval by the PIB Deputy Superintendent. PIB and the IPM shall coordinate and confer with each other in collecting, analyzing, and reporting this data to avoid or minimize duplication of efforts or resources. The annual statistical summary shall include at least the following:

- a summary of each misconduct complaint including a description of the allegation, the final approved disposition, and any discipline imposed;
- aggregate misconduct complaint data showing the number of each type of complaint and the number and rate of sustained cases after final approval;
- analysis of this data that identifies trends and concerns, and that documents the response to the identified trends and concerns.

DISCIPLINARY ACTION AND INVESTIGATION FORMS

106. The forms utilized to document the receipt, classification, assignment, processing, completion, disposition and tracking of complaints are designed or approved by PIB in accordance with Departmental policy and procedure. The forms and the directions to complete the forms shall be available on the NOPD.org web site in the "Forms" folder. Any revision, addition, or deletion of a form shall be the responsibility of PIB. The Policy Standards Section shall provide support to PIB by completing updates and publication of both the forms and the directions for completion.

NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 61.4.5

TITLE: ABANDONED BOATS

EFFECTIVE: 8/2/15
REVISED:

PURPOSE

The purpose of this policy is to establish the process for the removal, documentation and storage of abandoned boats or boats moored for longer than 24 hours as prescribed in New Orleans City Code § 170-62, § 170-63 and § 170-64. Boats found to be in violation of this code shall be subject to impoundment.

DEFINITIONS

Definitions related to this policy include:

Abandoned or moored boat— Any boat that is abandoned or moored for more than 24 hours along Bayou St. John. For the purpose of this Chapter, Bayou St. John includes its head at Hagan Avenue and Lafitte Avenue to Desaix Boulevard (*New Orleans City Code § 170-62*).

Marked—Posting a notice in a conspicuous place (on, at or near) a suspected abandoned or moored boat directing that the boat be removed from the location within 48 hours of the time of posting. The notice affixed shall state that the boat shall be subject to impoundment unless the boat is removed by the owner or legal possessor within 48 hours after the notice is affixed (*New Orleans City Code § 170-63*).

MARKING BOATS

1. Boats abandoned or moored in Bayou St. John for more than 24 hours, in violation of New Orleans City Code § 170-62 shall be marked as required by law and noted in the NOPD Computer Aided Dispatch (CAD) system. Mosquito Control Board members will be responsible for marking eligible boats and notifying the Command Desk for CAD entry documentation.

2. Members of the New Orleans Mosquito Control Board, investigating any boat that is abandoned or moored for more than 24 hours along Bayou St. John, will:
   a. post a notice in a conspicuous place (on, at or near) a suspected abandoned or moored boat directing that the boat be removed from the location within 48 hours of the time of posting.
   b. the notice shall state that the boat shall be subject to impoundment unless the boat is removed by the owner or legal possessor within 48 hours after the notice is affixed (*New Orleans City Code § 170-63*).
   c. the affixed notice shall indicate the date and time the notice was attached, the date and time upon which the boat is subject to impoundment, and contact information for retrieval purposes.

3. If a marked boat has been moved or the markings have been removed during the 48-hour observation period, the previously marked boat shall be marked again indicating the original violation date and time and 48-hour observation period. An update shall be made in CAD, or with the Communications Section under the original NOPD Item number.

INVESTIGATION AND IMPOUNDMENT

4. An incident report shall be completed on all boats removed from Bayou St. John as directed under this Chapter. The Fleet Services Section shall be notified by the investigating member and a request made to have the boat removed. If the boat is eligible for removal the Fleet Services Section will be responsible for the removal of the boat and documenting its removal in an incident report. The information on the Fleet Services member who removed the boat shall be noted in the NOPD Incident Report and CAD.

5. When requested by the investigating member, the N.O.P.D. Communications Section shall assign an item number for the abandoned or moored boats eligible for impoundment under a signal "21AB - (Abandoned Boats)".

6. Impounded boats shall be held by the department at Central Evidence and Property until:
   (a) claimed by the owner/ legal possessor; or
   (b) disposed of in accordance with state law governing disposition of lawfully seized movable property.

7. Any owner or legal possessor who seeks to recover an impounded boat shall be required to demonstrate proof of ownership and pay all related fees at the time of recovery.

DISPOSITION OF BOAT

8. The department of police shall retain custody and possession of impounded boats for a period of not less than five (5) months from the date of impoundment, unless recovered by the owner of legal possessor. After such time, the impounded boat may be disposed of pursuant to state law governing disposition of lawfully seized property.

9. The purchaser of any unclaimed boat shall not be liable for the impoundment fee or any storage fees accumulated prior to the date of purchase from the department.

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Chapter 1 - Law Enforcement Role and Authority

LAW ENFORCEMENT AUTHORITY

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Officers of this department are entitled to exercise the authority of a peace officer pursuant to R.S. 40:2405. The authority of a peace officer and the scope of that authority extends to any place for which his/her commission is valid and assigns the scope of his/her duty to preserving the peace within the jurisdiction in accordance with statutory limits and through all lawful means.

100.3 AUTHORITY WITHIN JURISDICTION

The arrest authority within the jurisdiction of the New Orleans Police Department includes:

(a) The officer is in compliance with an arrest warrant (C. Cr. P. 204).

(b) An offense has been committed in the officer's presence (C. Cr. P. 213(1)). If the arrest is for a misdemeanor, it must be made immediately or on close pursuit.

(c) The person to be arrested has committed a felony, although not in the presence of the officer (C. Cr. P. 213(2)).

(d) The officer has reasonable cause to believe that the person to be arrested has committed an offense, although not in the presence of the officer (C. Cr. P. 213(3)).

(e) The officer has received positive and reliable information that a peace officer from this state, another state or the United States holds an arrest warrant for a felony offense (C. Cr. P. 213(4))

100.4 AUTHORITY OUTSIDE OF JURISDICTION

The authority of a peace officer extends to any place in the state of Louisiana, as follows:

(a) The officer is in close pursuit of the person arrested (C. Cr. P. 204; C. Cr. P. 213).

(b) The officer is responding to a mutual aid request in another jurisdiction pursuant to R.S. 33:2337 (see Mutual Aid and Outside Agency Jurisdiction Policy).

100.5 THE CODE OF THE CITY OF NEW ORLEANS

All city codes can be found at www.municode.com.

100.6 INTERSTATE PEACE OFFICER AUTHORITY

Peace officer authority may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

(b) When an officer enters another state in close pursuit of a felony subject or a fugitive from justice (Ark. Code § 16-81-401 et seq.; Tex. Code Crim. Pro. Art.14.051; in

compliance with existing Mississippi-Louisiana reciprocity agreements pursuant to Miss. Code Ann. § 45-1-37).

Any peace officer of another state who enters and continues in Louisiana in close pursuit of a person who is reasonably believed to have committed a felony has the same authority to arrest and hold the person in custody as a peace officer of Louisiana (C. Cr. P. 231).

100.7 PROVISIONAL OFFICERS

Officers who have retired from this department for five years or more shall be granted authority to serve as provisional officers during a state of emergency and within a declared emergency zone. A provisional officer applicant must successfully qualify with his/her duty weapon as soon as possible with a firearms instructor certified by the Louisiana Peace Officer Standards and Training Council (POST)- (LAC 22:IV.4771).

100.8 FEDERAL RESERVATIONS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

100.9 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Louisiana Constitutions.

100.10 CONCURRENT JURISDICTION

Parishes, municipalities, police juries, harbor districts and terminal districts, are authorized to act jointly in activities involving police protection (R.S. 33:1324).

100.10.1 PORT OF NEW ORLEANS

The Port of New Orleans Board of Commissioners may establish port and harbor police departments (R.S. 34:26).

The New Orleans Police Department and the Harbor Police Department have concurrent jurisdiction on property under the jurisdiction of the Port of New Orleans Board of Commissioners (R. S. 34:26

Special considerations when working with the Port, and Harbor Police and vessels include:

(a) The Captain, or any other person in command of a vessel, is responsible for violations of the city code or state law while the vessel is located within the limits of Orleans Parish.

(b) Normally, complaints involving nuisances, such as ships blowing tubes, discharging fuel oil, etc., will be investigated by the Harbor Police Department. Employees of the New Orleans Police Department have concurrent jurisdiction and may be contacted to assist in the investigation.

(c) An engineering officer in charge of a vessel's boiler plant shall not be arrested or removed from a ship until the boiler plant is completely shut down.

(d) A deck officer in charge of a vessel shall not be arrested or removed from a vessel until he/she is relieved of duty.

(e) An investigating officer shall be informed about the identity of individuals responsible for a violation of either state or city law from the port captain or port engineer of the steamship company prior to making an arrest.

100.10.2 LAKE FRONT AIRPORT

The New Orleans Police Department and the Orleans Levee District Police have concurrent jurisdiction in areas controlled and protected by the Southeast Louisiana Flood Protection Authority. Normally, Orleans Levee District Police will investigate incidents within its jurisdiction.

New Orleans Police Department personnel will respond to a request for assistance from the Orleans Levee District Police.

Personnel responding to a call for service at the New Orleans Lakefront Airport shall enter the main entrance located in front of the Administration Building and rendezvous or await the arrival of Orleans Levee District personnel. Responding units will be escorted by Orleans Levee District personnel to the scene of an incident.

New Orleans Police Department units shall not drive on airport tarmacs, runways, taxiways or other areas normally used by aircraft without being escorted by Orleans Levee District personnel.

Nothing in this section shall prevent a commissioned employee of the New Orleans Police Department from exercising his/her duty to enforce laws and conduct investigations on property under the control of the Orleans Levee District.

100.10.3 FEDERAL PROPERTY

Federal law enforcement agencies and the New Orleans Police Department have concurrent jurisdiction at certain locations. Police department personnel shall respond to a call for service and are authorized to make an arrest at the following locations

- U.S. Custom House, 423 Canal Street
- Federal Building and the U.S. Court of Appeals, 600 Camp Street
- Federal Building, 600 South Street
- Southern Regional Research Center, 1100 Robert E. Lee Boulevard
- Veterans Administration Hospital, 1601 Perdido Street
- Post Office Stations (excluding 701 Loyola Avenue and 610 South Street)
- Hale Boggs Federal Building and U.S. District Courthouse, 500 Poydras Street

Police department personnel shall respond to a call for service and may make an arrest at the following locations:

- Michoud Assembly Facility, 13800 Old Gentilly Road
- U.S. Corp of Engineers, Prytania Street and Leake Street
- Jackson Barracks, 6400 St. Claude Avenue

A call for service at a location under exclusive federal jurisdiction shall be referred by the Command Desk to the appropriate federal law enforcement agency when it is received. A request for police service in an emergency situation such as a fire, explosion, serious injury, etc., shall be referred to the Command Desk for screening and dispatching a unit until the appropriate federal law enforcement agency arrives and takes charge of the investigation. Installations under exclusive federal jurisdiction are:

- Post Office and Federal Building, 701 Loyola Avenue
- Post Office Lafayette Square Station, 610 South Street

- Federal Reserve Bank, 501 St. Charles Street
- Marine Corp Support Facility New Orleans, 2000 Opelousas

Oath of Office

104.1 PURPOSE AND SCOPE

Officers are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.2 OATH OF OFFICE

No person shall be employed by the New Orleans Police Department unless and until he/she files the following written statement with the City (La. R.S. 42:52; La. R.S. 42:53):

I, (employee name), do solemnly swear (or affirm) that I will support the constitution and laws of the United States; the constitution and laws of this State and the Charter and Ordinances of this City; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as (title), according to the best of my ability and understanding. So help me God.

A person may be temporarily employed for 15 days. If the above statement is not filed with the clerk of the court by the 15th day, the person must be discharged.

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Policy/Procedure Manuals

106.1 PURPOSE AND SCOPE

The Policy/Procedure Manuals of the New Orleans Police Department are hereby established and shall be referred to as the "Policy/Procedure Manuals," The Policy/Procedure Manuals are a statement of the current policies, procedures, rules and guidelines of this department. All employees are to conform to the provisions of these manuals. All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Members of the Department who observe or become aware of a violation of the department's policies and/or procedures shall report the violation to a supervisor or directly to the Public Integrity Bureau (PIB). Supervisors shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command. Members of the Department shall be held accountable for policy and procedure violations.

Except where otherwise expressly stated, the provisions of these manuals shall be considered as guidelines. It is recognized that law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of these manuals to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

106.2 RESPONSIBILITIES

The ultimate responsibility for the content of the manuals rests with the Superintendent of Police. Since it is not practicable for the Superintendent of Police to prepare and maintain the manual, the following delegations have been made.

106.2.1 SUPERINTENDENT OF POLICE

The Superintendent of Police, as the appointing authority, shall be considered the ultimate authority for the provisions of these manuals and shall ensure compliance with all applicable federal, state and local laws. The Superintendent of Police is responsible for issuing Departmental Orders in the form of General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 SUPERINTENDENT'S STAFF

The Superintendent's staff shall consist of the following:

- Superintendent of Police
- Deputy Superintendent from each bureau
- Any other employee designated or assigned by the Superintendent of Police

The Superintendent's staff shall review all recommendations regarding proposed changes to the Policy/Procedure Manuals.

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106.2.3 OTHER PERSONNEL

All department employees suggesting revision of the contents of the Policy/ Procedure Manuals shall forward their written suggestions to their Division Commander, who will consider the recommendation and forward it, via the chain of command, to the Superintendent of Police and a copy to the Office of Policy and Planning.

106.3 FORMATTING CONVENTIONS

All written policies will have a header at the top of the page with the subject of the policy and the policy number. Each policy will begin with a purpose statement, a policy statement, when appropriate, and will conclude with the directive information on that subject. The published date of the document will be printed in the footer of each page. Procedures will follow the same format, as appropriate.

106.3.1 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Majority is attained upon reaching the age of 18 years (CC 29).

CC - Louisiana Civil Code

CCP - Louisiana Code of Civil Procedure

C.Cr.P. - Louisiana Code of Criminal Procedure

CE - Louisiana Code of Evidence

Ch. C. - Louisiana Children's Code

Child/juvenile - A person who has not attained the age of 18 years (Ch. C. 116).

New Orleans - The City of New Orleans

CFR - Code of Federal Regulations

Civilian employee - Any non-sworn personnel employed by NOPD, on either a temporary or permanent basis, in either a paid or unpaid capacity.

NOPD/department - The New Orleans Police Department and its agents, officers, supervisors and employees (both sworn and non-sworn).

DCFS - Department of Children and Family Services

DPSC - Louisiana Department of Public Safety and Corrections

Personnel/employee - New Orleans Police Department officers and employees

LACCH - Louisiana Computerized Criminal History system

La. R.S. - Louisiana Revised Statutes

LSP - Louisiana State Police

Manual - The New Orleans Police Department Policy/Procedure Manual

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May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Department, including full-time or part-time officers, reserve officers, civilian employees and volunteers.

OMV - Louisiana Office of Motor Vehicles

On-duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Police officer - Any law enforcement agent employed by the New Orleans Police Department, including supervisors and recruits.

POST - Louisiana Peace Officer Standards and Training Council

Rank - The title of the classification held by an officer.

Shall (or will) - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Superintendent - The Superintendent of the New Orleans Police Department

Supervisor - A sworn NOPD employee at the rank of sergeant or above (or anyone acting in those capacities) and non-sworn NOPD personnel with oversight responsibility for other officers.

USC - United States Code

106.3.2 DISTRIBUTION

An electronic version of the Policy/Procedure Manuals will be made available to all employees on the department network. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization of the Commander of the Office of Policy and Planning.

106.4 MANUAL ACCEPTANCE

As a condition of employment, all members are required to read and obtain necessary clarification of this department's policies and procedures as they are issued.

All employees shall sign and date their individual Policy/Procedure Cognizance Receipt (Form #102) to reflect their receipt, review and knowledge of each new or revised policy, rule, practice or procedure.

Policy/Procedure Cognizance Receipts shall be maintained at the employee's place of assignment in his/her personnel jacket.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy/Procedure Manuals revisions. All changes to the Policy/Procedure Manuals will be posted on NOPD.ORG. Office of Policy and Planning will forward notice of all revisions to the Policy/Procedure Manuals as needed to all personnel via electronic mail.

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Each Deputy Superintendent, Commander and Civilian Manager will ensure that employees under his/her command are aware of any Policy/Procedure Manuals revisions.

106.4.2 PERIODIC REVIEW

The Office of Policy and Planning shall review each policy and procedure 365 days after it is implemented and annually thereafter to ensure that the policy or procedure provides effective direction to NOPD personnel and remains consistent with best practices and current laws. The Office of Policy and Planning shall review and revise policies and procedures as necessary or upon notice of a significant policy deficiency during audits or reviews

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Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 BUREAU

The Superintendent is responsible for administering and managing the New Orleans Police Department. There are four bureaus in the Police Department:

- Field Operations Bureau
- Investigation and Support Bureau
- Public Integrity Bureau
- Management Services Bureau
- Compliance Bureau

200.2.1 OPERATIONS BUREAU

The Field Operations Bureau is commanded by the assigned Deputy Superintendent, whose primary responsibility is to provide general management, direction and control for the Field Operations Bureau.

200.2.2 INVESTIGATION AND SUPPORT BUREAU

The Investigation and Support Bureau is commanded by the assigned Deputy Superintendent, whose primary responsibility is to provide general management, direction and control for the Investigation and Support Bureau.

200.2.3 PUBLIC INTEGRITY BUREAU

The Public Integrity Bureau is commanded by the assigned Deputy Superintendent, whose primary responsibility is to provide general management, direction and control for the Public Integrity Bureau.

200.2.4 MANAGEMENT SERVICES BUREAU

The Management Services Bureau is commanded by the assigned Deputy Superintendent, whose primary responsibility is to provide general management, direction and control for the Management Services Bureau, including management of the department budget and the designation of the custodian of records.

Annually, the Management Services Bureau Deputy Superintendent shall develop and submit to the Superintendent a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than $5,000, and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

200.2.5 COMPLIANCE BUREAU

The Compliance Bureau is commanded by the assigned Deputy Superintendent whose primary responsibility is to provide general management, direction and control for the Compliance Bureau.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Superintendent exercises command over all personnel in the Department. During planned absences the Superintendent will designate a Deputy Superintendent to serve as the acting Superintendent.

Except when designated as above, the order of command authority in the absence or unavailability of the Superintendent is as follows:

(a) Field Operations Bureau Deputy Superintendent

(b) Investigation and Support Bureau Deputy Superintendent

(c) Management Services Bureau Deputy Superintendent

(d) Public Integrity Bureau

(e) Compliance Bureau

200.3.2 HIERARCHY OF AUTHORITY

The Superintendent is the highest authority within the New Orleans Police Department. The Superintendent has responsibility for all administration, organization supervision and discipline-related functions of the Department. In addition, the following positions have the following authority:

(a) Deputy Superintendents function at a lesser degree of authority than the Superintendent and have responsibility for all performance factors associated with Bureau-level operations.

(b) Police Commanders function at a lesser degree of authority than the Deputy Superintendents. Police Commanders are principal managers and have responsibility for all performance factors involving critical command components department-wide.

(c) All other supervisors carry the authority and responsibility for the effective operation of department functions and are subordinate to the Superintendent, Deputy Superintendents and Police Commanders. The hierarchy of authority for other supervisors is:

1. Major
2. Captain
3. Lieutenant
4. Sergeant

Certain circumstances (e.g., disaster operations and special events) may require the assignment of other persons, including those from outside the Department, within the hierarchy of authority. Such assignment will be established by directive or other order, which will include the identity of the person, his/her authority and the duration, event and scope of such authority.

200.3.3 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.4 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

200.3.5 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

Departmental Orders

204.1 PURPOSE AND SCOPE

Departmental orders establish interdepartmental communication that is used by the Superintendent of Police to make immediate changes to policy, procedure and Operations Orders.

204.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual, as required, upon staff approval. General Orders will be in the form of a written correspondence (Form 105), approved by the Superintendent of Police. General Orders will modify existing policies and/or procedures or will create a new policy and/or procedure as appropriate and will be rescinded upon incorporation into the manual. Temporary departmental orders that become inoperative with the passing of the incident or period for which they are written, and that are not intended for nor will they be included in the manual, should be tracked and acknowledged in a manner similar to policy revisions.

204.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time (one year, unless otherwise specified). Special Orders are issued to the organization as a whole, to a Bureau, to a Division, to a Unit or to an individual. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

204.1.3 PERSONNEL ORDERS

Personnel Orders are those orders which directly affect personnel and personnel assignments.

204.1.4 OPERATIONS ORDERS

Operations Orders are those orders which direct the activities of the Department in major events and coordinate the activity of Bureaus, Divisions, Sections and Units. Operations Orders shall remain in effect only for the life of the designated event.

204.2 RESPONSIBILITIES

204.2.1 POLICY STANDARDS SECTION

The Policy Standards Section shall review and make ready for approval revisions of the Policy Manual and Procedure Manual, which will incorporate changes originally made by a Departmental Order.

204.2.2 SUPERINTENDENT OF POLICE

The Superintendent of Police or the authorized designee shall issue all Departmental Orders.

204.2.3 SUPERVISOR'S RESPONSIBILITIES

Supervisors shall ensure all subordinates are made aware of all departmental orders.

204.3 ACCEPTANCE OF DEPARTMENTAL ORDERS

All employees are required to read and obtain necessary clarification of all Departmental Orders. All employees are required to acknowledge in writing by signing the employee Cognizance Card the receipt and review of any new Departmental Order. Signed

Cognizance Cards showing an employee's acknowledgement will be maintained by the employee's supervisor.

Weapons Evaluation Committee

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a Weapons Evaluation Committee to research, test and evaluate all weapons, ammunition, reloading devices, holsters, carrying mechanisms or other firearms related equipment proposed for use by members of the New Orleans Police Department.

205.1.1 COMMITTEE MEMBERS

The committee will consist of:

- Committee Chair (Deputy Chief of Investigations and Support Bureau or his/her representative)
- Superintendent's Staff Representative
- Commander, Education and Training Division
- Range Instructor, Education & Training Division
- Firearms/Ballistic Criminalist, Crime Laboratory
- Commander, Special Operations Division, Armory
- Homicide Cold Case Squad Representative (Police Officer)
- Management Services Bureau (Police Officer)
- Field Operations Bureau (three Police Officers assigned to uniformed patrol)
- Policy and Planning Representative

205.1.2 SCHEDULED MEETINGS

The Committee Chair shall be responsible for setting the meeting times, dates and agenda.

205.2 RESPONSIBILITIES

Members wishing to initiate a formal evaluation of a specific weapon, ammunition, reloading device, holster, carrying mechanism or other related item(s), shall forward an interoffice memorandum (Form 105) to the Deputy Chief of the Investigations and Support Bureau requesting formal consideration of the proposed change.

The committee will notify the requesting employee within 14 days of its decision to conduct or not conduct an evaluation. If the evaluation is set aside, a brief explanation will be attached.

Following the committee's first meeting on a specific request, the Committee will render a report with recommendations to the Superintendent within 90 calendar days. Should the Committee feel an extension of the evaluation period is necessary to acquire the best information and/or test data available, an application for an additional 30 calendar days shall be made to the Superintendent. The request for extension should be made sufficiently in advance to ensure approval prior to the ninety-day deadline.

The Committee shall forward information regarding requests under consideration, including the Committee's actions and/or decisions after each meeting to each Deputy Chief to be disseminated at the weekly COMSTAT meetings.

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Emergency Operations Plan

206.1 PURPOSE AND SCOPE

As part of the City of New Orleans overall Emergency Operations Plan, the New Orleans Police Department has prepared a department specific Emergency Operations Plan for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The City of New Orleans's overall plan, including the department's-specific Emergency Operations Plan, complies with the State of Louisiana Emergency Operations Plan (La. R.S. 29:722 (A)(3); Exec. Order BJ 08-32). This plan provides guidance for emergency operations within its borders and outside its borders as may be required.

206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The City of New Orleans Emergency Operations Plan can be activated in a number of ways:

(a) The Superintendent of Police or his designee can request activation of the plan through the New Orleans Office of Homeland Security, Emergency Preparedness (NOHSEP) in response to a major emergency.

(b) The New Orleans Office of Homeland Security Emergency Preparedness can activate the City's plan in response to a major emergency/event.

Upon activation of the plan, the Superintendent of Police, or the authorized designee should contact the New Orleans Office of Homeland Security and Emergency Preparedness to assist with mutual aid response from local, state and federal law enforcement agencies to provide requested resources to this department.

206.2.1 RECALL OF POLICE DEPARTMENT PERSONNEL

In the event that the plan is activated, essential employees of the New Orleans Police Department are subject to immediate recall. All annual leave will be terminated. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Superintendent of Police, or the authorized designee. Such instances shall include, but are not limited to:

(a) The formation of a tropical storm or hurricane within the Gulf of Mexico.

(b) Natural disasters.

(c) Man-made disasters.

(d) Terrorist activity.

(e) Civil disturbances.

(f) Any other event declared to be an emergency by the Superintendent of Police or his designee.

Failure to promptly respond to an order to report for duty may result in discipline.

Only the Superintendent of Police can grant annual once recall of personnel has been issued.

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206.2.2 MEMBER RESPONSIBILITY

Once a member is informed or made aware of an alert by a supervisor or through the media, he/she shall immediately contact his/her supervisor for instructions.

(a) If a member cannot contact his/her supervisor, the member shall report for duty at one of the following:

- The normal place of assignment.
- Any of the Major Field Command Posts (see the Emergency Operations Plan for locations).

(b) If a member cannot return to the City due to road closures, flooding, etc., the member shall report for duty at one of the following:

- The Major Field Command Post located outside the City of New Orleans (see the Emergency Operations Plan for the location).
- The closest Louisiana State Police Troop and request assistance in returning to the City of New Orleans.

206.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

A copy of the City of New Orleans Emergency Operations plan is available in the New Orleans Office of Homeland Security, Emergency Preparedness. A copy of the New Orleans Police Department Emergency Operations plan is available in the Office of Policy and Planning and on the department's website (NOPD.org). All supervisors should familiarize themselves with the NOPD Emergency Operations Plan and the roles personnel will play when the plan is implemented, as well as the City's plan.

206.4 UPDATING THE PLAN

The Office of Policy and Planning is responsible for updating the NOPD Emergency Operations Plan on a yearly basis and to ensure the plan conforms to any revisions made by state or the National Incident Management System (NIMS).

206.5 TRAINING

The Department should provide annual training on the New Orleans Police Department Emergency Operations Plan for all appropriate personnel. All supervisors should familiarize themselves with the department's Emergency Operations Plan and the roles police personnel will play when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

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Training Advisory Committee

207.1 PURPOSE AND SCOPE

This policy establishes training committee guidelines and standards for developing and evaluating the department's training needs.

207.2 POLICY

The Department will assess on a continuing basis the NOPD's training plan using this policy as a focal point for such analysis. Continued review will serve to develop training efforts and enhance the knowledge and professional skills of the members of this department.

207.3 COMMITTEE MEMBERS

The Training Advisory Committee shall include:

(a) The Training Academy Liaison and the District Training Coordinators

(b) One NOPD command staff member (Deputy Superintendent or above)

(c) One community representative from the Police-Community Advisory Board

(d) Two representatives from area colleges and universities

(e) One police professional from outside the NOPD with expertise in model training practices

(f) One representative from the FBI

(g) One representative from the District Attorney's office

(h) One representative from the U.S. Attorney's Office

(i) One representative from the City Attorney's Office.

207.4 COMMITTEE RESPONSIBILITIES

Members of the New Orleans Police Department may forward items to be considered at the next Training Committee meeting via NOPD form 105, through their chain of command, to the Commander of the Training Division.

Training Committee meetings will be held at least annually at the direction of the Commander of the Training Division, the Deputy Chief of the Management Services Bureau, or the Superintendent of Police.

NOPD's Training Advisory Committee shall develop a written training plan for NOPD's recruit academy, field, and in-service training, to ensure that recruits, officers, and civilian personnel are trained to effectively and lawfully carry out their duties in accordance with the Constitution and laws of the United States. The plan shall comport with best practices and shall:

(a) Define responsibilities and authority of personnel involved in managing, supervising, and implementing training.

(b) Identify training priorities and broad training goals.

(c) Delineate an industry-recognized, systematic approach to training development that includes the following concepts: analysis, design, development, implementation, and evaluation. This approach should enable NOPD to identify and validate job tasks in

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sufficient detail to derive learning objectives, which, in turn, should drive the selection of instructional strategies and assessments.

(d) Develop instructional strategies that incorporate active learning methods such as problem-solving and scenario-based activities, based on current theories of learning.

(e) Address program administration policies, classroom/facility use and instructor training and development.

(f) Establish the frequency and subject areas for recruit and in-service training.

The Training Advisory Committee shall annually review and update NOPD's training plan. To perform this update, the Training Advisory Committee shall conduct a needs assessment, taking into consideration:

- Trends in misconduct complaints
- Problematic uses of force
- Analysis of officer safety issues
- Input from members at all levels of NOPD
- Input from members of the community, including community concerns
- Court decisions
- Research reflecting the latest in law enforcement trends
- Individual District needs
- Changes to Louisiana law, federal law or NOPD policy

The Training Advisory Committee shall review all curricula, lesson plans, instructor's qualifications and testing materials submitted for review by the Curriculum Director.

207.5 COMMITTEE RECORDS AND RECOMMENDATIONS

Minutes of each meeting shall be kept by the Commander of the Training Division or his/her designee. These minutes shall be forwarded to the members of the Command Staff along with a recommendation by the Commander of the Training Division.

The Commander of the Training Division shall forward copies of the minutes and recommendations to the Office of Policy and Planning.

The minutes and recommendations shall be forwarded no later than seven days following the Training Committee meeting.

Recommendations made by the Training Advisory Committee shall be reviewed by the Command Staff for implementation by the Training Division, as deemed appropriate or necessary.

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Training

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will meet the standards of federal, state, local and Louisiana Peace Officer Standards and Training (POST) Council training requirements. It is a priority of this department to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

(a) Recruit training academy;

(b) Field training;

(c) All in-service training, including firearms and other use of force training;

(d) Roll-call training;

(e) Supervisory training;

(f) Tactical and task force training; and

(g) All elective training.

The Education and Training Division Commander shall be responsible for overseeing all training, including recruit academy; field training; and all in-service training.

The Education and Training Division Commander is also responsible for ensuring that training is delivered consistent with the department's written training plan.

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by Louisiana POST or other regulatory or nationally recognized entities.

The department is committed to ensuring that all officers and employees receive adequate training to understand the law and NOPD policy and how to police effectively. Department training shall reflect and instill agency expectations that officers police diligently, have an understanding of and commitment to the constitutional rights of the individuals they encounter, and employ strategies to build community partnerships to more effectively increase public trust and safety.

208.2 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public;

(b) Increase the technical expertise and overall effectiveness of department personnel;

(c) Provide for continued professional development of department personnel; and

(d) Assist in compliance with statutory requirements.

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208.3 TRAINING PLAN

The Academy Curriculum Director shall be responsible for insuring that lesson plans are prepared, classes conducted, and proper instruction provided to the target group for additional course topics.

It is also the responsibility of the Curriculum Director to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Curriculum Director shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of officers or hiring of civilian employees.

Training listed may be provided in basic training programs. The Curriculum Director is responsible for ensuring members of the Department have been trained as required.

208.3.1 MANDATED TRAINING

(a) Federally mandated training:

1. National Incident Management System (NIMS) training (once, depending upon position and rank).

(b) State-mandated training:

1. Officers of this department must successfully complete preparatory POST-certified training and pass a POST-approved comprehensive examination before exercising the authority of a peace officer (La. R.S. 40:2405(A)(1). Any officer who has not successfully completed the training or passed the examination is limited to performing administrative duties.
   (a) An out-of-state transfer may be eligible for certification by completing training and examination requirements.
   (b) The POST-certified training requirement may be waived for an officer hired prior to January 1, 1986 and granted registration as a peace officer in lieu of certification (La. R.S. 40:2405(C).
2. Officers must successfully complete a POST-prescribed basic firearms training program to exercise the authority of a peace officer (La. R.S. 40:2405(A)(2). Any officer who has not successfully completed the firearms training program is limited to performing administrative duties.

208.3.2 DEPARTMENT TRAINING REQUIREMENTS

Training requirements include, but are not limited to the following:

(a) Emergency Operations Plan (supervisors every two years);

(b) Pursuit driving (every 2 years);

(c) Firearms training (all officers annually);

(d) Electronic Control Weapon, impact weapon, chemical weapon or other control devices (yearly);

(e) All use of force policies (all officers review yearly); and

(f) Search, seizure and arrest (all officers yearly).

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208.4 TRAINING NEEDS ASSESSMENT

The Education and Training Division Commander will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from the Training Advisory Committee. The training needs assessment report will be provided to the Superintendent of Police and Command staff. Upon review and approval by the Superintendent of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

208.5 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor.

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

208.6 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the New Orleans Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Manager. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

208.7 TRAINING RECORDS

The FTO Training Coordinator is responsible to manage and distribute training records in compliance with the Personnel Files Policy.

208.8 FIELD TRAINING PROGRAM

The FTO Training Coordinator shall establish a field training program for recruit police officers that are of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Department. The program shall

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establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

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Weapons Training/Re-qualification

209.1 PURPOSE AND SCOPE

The purpose of this policy is to establish weapons training and re-qualification policy for officers.

209.2 DEFINITIONS

Definitions related to this policy include:

Duty handgun - The primary authorized sidearm carried while on-duty by NOPD officers. Duty handgun shall be inclusive with duty firearm.

Duty shotgun - An authorized weapon designed to be fired from the shoulder, which chambers a 12 gauge cartridge.. No personally owned shotguns may be carried for patrol duty unless pre-approved in writing by the current Superintendent of Police.

Fail to qualify - A specific act that describes an attempt to qualify, but the officer's score of firearms proficiency does not meet or exceed the required minimum standards. This act is not related to the failure of an officer to schedule or report to a firearms qualification session in a timely manner. However, failing to schedule or report for annual firearms re-qualification may result in disciplinary action. Failure to qualify and failing to qualify shall be synonymous with fail to qualify.

Patrol rifle - An authorized weapon owned by the Department, which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the current Superintendent of Police.

Rangemaster - Any Louisiana Peace Officer Standards and Training Council (POST) certified Firearms Instructor or Range Safety Officer designated by the Academy Range Commander to serve as the officer in charge of the current activities on any firing range location. When present on the range, the Academy Range Commander does not automatically assume this role, and may delegate the duties.

Training manager - The supervisor at the Education and Training Division who is assigned the duties to coordinate and track all Departmental training.

209.3 DUTY FIREARMS QUALIFICATION

The Education and Training Division will follow standards in satisfying or exceeding the requirements of POST for all firearms qualifications and re-qualifications of Law Enforcement Peace Officers.

All commissioned personnel are required to qualify annually with their duty firearm on an approved range course. The Academy Range Staff shall keep accurate records of qualifications, repairs, maintenance, training or other records as directed by the Training Manager. In addition to regular qualification schedules, the Academy Range Staff shall be responsible for providing all commissioned personnel with regular practical training designed to simulate field situations.

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All commissioned personnel shall be required to qualify annually on the POST firearms qualification course, demonstrating at least 80 percent proficiency. Scores shall be computed and verified by a POST certified Firearms Instructor. Failure to meet the POST regulations may subject the officer to loss of state certification, loss of eligibility to receive state supplemental pay, and/or disciplinary action relative to violation of: Rules of Civil Service Commission, Rule IX, Section 1; Maintaining Standards of Service.

At least annually, all personnel carrying a duty firearm will receive training on the Department Use of Force Policy and demonstrate their knowledge and understanding.

Annual in-service training shall include professional night training, stress training (e.g. training in using a firearm after undergoing physical exertion), and proper use of force decision-making training, including continuous threat assessment techniques.

All recruits, officers in probationary periods and officers who return from unarmed status shall complete and satisfactorily pass firearm training for service and off-duty firearms before they are permitted to carry and use the firearm.

All firearms training, POST firearms qualification and re-qualification courses, and related training recordkeeping including any specialized SOD training are under the supervision of the Commander of the Education and Training Division.

Each officer shall qualify annually with his/her authorized duty weapon by scheduling an appointment with the Academy Range Commander or his/her designee to qualify during the month of or the month after the officer's birth date.

Officers will report to the NOPD shooting range on their assigned qualification date, if the officer has not previously qualified.

For payroll purposes, the officer will be carried regular working on the day he/she reports for re-qualification.

209.3.1 NON-QUALIFICATION

Officers who fail to qualify shall immediately relinquish NOPD issued firearms on which they failed to qualify. Those officers who still fail to qualify after remedial training within a reasonable time shall be subject to disciplinary action, up to and including termination of employment.

Officers who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated, and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent firearm proficiency is demonstrated.

(b) Officers shall be given credit for a range qualification after remedial training and a qualifying score is obtained in accordance with POST guidelines.

(c) No range credit will be given for the following:

1. Unauthorized range make up; and
2. Failure to qualify after remedial training.

(d) Officers failing to qualify will report to the range within seven working days (excluding holidays) following the date the officer failed to qualify. An officer may shoot for qualification no more than five times a day and ammunition will be provided for all qualification attempts.

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If an officer is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Officers who fail to demonstrate duty firearms proficiency as required by policy over a thirteen-month period may be relieved from field assignment and appropriate disciplinary action may follow.

It is the responsibility of supervisors to insure that officers assigned to their platoon, section, or unit of assignment qualify annually in the time prescribed by policy. The Academy Range Commander or his/her designee will assist supervisors with this requirement by providing, after request, re-qualification dates of officers under their supervision.

Should any officer fail to qualify for reasons other than proficiency, including any malfunction of firearms, ammunition, or otherwise, or fail to attend his/her annual firearms recertification within the timeframe mandated by department policy, it shall not be considered a failure to re-qualify; however the officer may be subject to disciplinary action.

209.3.2 FAILURE TO ATTEND RE-QUALIFICATION - 13 MONTHS

Any commissioned officer failing to meet POST firearms qualification standards by their failure to attend a qualification session with his/her duty firearm will be subject to the following:

- Upon notification by the Education and Training Division, the officer shall be advised by his/her supervisor that all paid detail privileges are revoked until re-qualification has been completed.
- Further disciplinary action may include the following:
  - Decommission and notification of same in writing;
  - Revocation of authorization to carry a firearm; and
  - Prohibited from wearing the police uniform.

If an officer fails to attend a qualification session after being notified that they have failed to meet POST firearms qualification standards, a hearing will be conducted by the Superintendent of Police or his/her designee to determine if the officer is in violation of Civil Service Rule IX, relative to Maintaining Standards of Service. The Commander of the Education and Training Division, or his/her designee, will immediately notify the officer's Commander, in writing, of his/her failure to attend the qualification session.

The Commander of the Education and Training Division, or his/her designee, will submit a monthly Failed to Report list to each Bureau Chief listing the officers who failed to appear for their qualification by the end of the month after the officer's birth month.

An officer who is unable to attend an annual re-qualification session during his/her birth month or the month after due to an extended illness shall:

(a) Notify his/her Commanding Officer and the Commander of the Education and Training Division in writing of the date he/she will be able to participate in qualifying exercises;

(b) Indicate the date of his/her last qualification;

(c) Immediately schedule a date for re-qualification with the Academy Range Commander or his/her designee upon return to regular duty;

(d) Submit medical documentation (originals, no copies) from his/her physician containing the prognosis for recovery to the Administrative Duties Division;

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(e) Return all firearms and non lethal weapons issued by the department to the Commander of A.D.D.; and

(f) Report to the Education and Training Division for the purpose of re-qualification prior to returning to his/her assignment.

209.3.3 FAILURE TO ATTEND RE-QUALIFICATION - 18 MONTHS OR LONGER

Officers are not authorized to carry a firearm or wear any part of the New Orleans Police Department uniform prior to re-qualification without the written permission of the Superintendent of Police if he/she fails to qualify for an 18 month period or longer.

209.3.4 PATROL RIFLE QUALIFICATION/TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial eight-hour patrol rifle user's course and qualification score with a POST certified Firearms Instructor with a patrol rifle instructor certification. Officers shall thereafter be required to successfully complete semi-annual training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two department-sanctioned training/qualification sessions within a twelve month period will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer user's course and qualification.

209.3.5 SHOTGUNS

Officers shall not carry or utilize the shotgun unless they have successfully completed Department training. All shotgun training and proficiency qualification shall be conducted by a POST certified firearms instructor designated by the Academy Range Commander. This training shall consist of an initial eight-hour shotgun user's course and qualification score. Officers shall thereafter be required to successfully complete annual training and firearms proficiency qualification.

Any officer who fails to qualify or who fails to successfully complete an annual training/qualification session will no longer be authorized to carry the shotgun without successfully retaking the initial shotgun user's course and qualification.

209.4 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Academy Range Commander or Training Manager after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department officers during hours established by the Department.

The Academy Range Staff has the responsibility of inspecting on-duty and off-duty firearms carried by officers of this department prior to usage, and annually on the officer's re-qualification date. The inspection shall be conducted by the Academy Range Staff and/or the S.O.D. Armory Unit in the case of patrol rifles and/or shotgun inspections.

Weapons deemed unsafe shall not be used for re-qualification for on-duty or off-duty use. Officers in possession of unsafe weapons shall be instructed to have the weapon serviced

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and/or repaired prior to use. Proof of repairs by a qualified armorer shall be presented to the Rangemaster prior to use.

The Academy Range Staff shall maintain records of all firearms inspected. These records shall include the manufacturer, model, caliber, and serial number of the weapon, as well as an indication that the weapon was inspected and approved. These records shall be maintained by the Academy Range Staff.

Any POST certified Firearms Instructor or Range Safety Officer assigned to the Academy Range Staff has the authority to deem any privately owned firearm unfit for service.

The officer will be responsible for all repairs to his/her personal firearm. That firearm will not be returned to service until inspected by a person designated by the Academy Range Commander.

The Academy Range Commander has the responsibility to ensure each officer can demonstrate proficiency in the care and cleaning of the duty firearm on a yearly basis.

The Academy Range Commander shall complete and submit to the Training Manager documentation of the courses provided, including the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Department of each officer who completes the training.

209.5 WEAPONS TRAINING

The Commander of the Education and Training Division will establish, maintain, and supervise a voluntary shooting program for officers of the department within these guidelines:

- Practice dates for the NOPD Range may be scheduled 60 days prior to re-Qualification;
- Officers wishing to participate in the voluntary shooting program shall make individual appointments with the Academy Range Commander or his/her designee;
- Targets and related materials shall be provided by the Education and Training Division;
- Officers shall provide their own ammunition;
- Only handguns approved will be used in the program; and
- Officers must be off-duty to participate.

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Driver Training Program

210.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a driver training program for NOPD employees.

210.2 POLICY

A New Orleans Police Department employee operating a City owned or leased vehicle shall successfully complete the Department's Driver Training Program and have a valid driver's license of the appropriate class and endorsement for the vehicle operated.

210.3 DRIVER TRAINING REQUIREMENTS

All commissioned employees shall complete the Tactical Police Driving Course, and obtain a minimum score established by the Education and Training Division based upon recommendations by the National Academy of Professional Driving.

Any non-commissioned employee operating a City owned or leased vehicle shall attend a Driver Awareness Course sponsored by the Education and Training Division prior to driving a city owned or leased vehicle.

An employee involved in a traffic crash while operating a city owned or leased vehicle shall attend the Crash Avoidance Course to be scheduled by the Education and Training Division upon recommendation by the Accident Review Board and/or the Superintendent of Police.

The employee shall be compensated as regular working for the duration of the Crash Avoidance Course by the employees unit of assignment.

All commissioned employees shall successfully complete the Tactical Police Driving Course in the month of, or the month after, his/her birth date every two years (biennial). Commissioned employees shall contact the Commander of the Education and Training Division, or his/her designee, and schedule an attendance date. Commissioned employees failing to attend may lose his/her driving privileges and be subject to disciplinary action.

Deviation of this chapter shall only be accomplished with the written authorization of the Superintendent of Police.

210.4 FAILURE TO QUALIFY/RE-QUALIFY

Any employee who fails to complete any phase of the Tactical Police Driving Course is prohibited from operating a city owned or leased vehicle until they have qualified.

The Education and Training Division Commander shall notify the employee's Commanding Officer, in writing, when any employee fails any portion of the driver's training program prior to the employee's next scheduled tour of duty.

The Commanding Officer shall notify the employee, in writing, that all city owned or leased vehicle driving privileges are suspended until the employee successfully completes the course and is certified by the Education and Training Division.

The employee shall be responsible for scheduling a re-qualification date with the Education and Training Division.

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Department employees shall be provided seven working days to successfully complete the failed portion of the Driver Training Program before disciplinary action is taken.

The employee shall be compensated as regular working for the duration of the re-qualification by the employees unit of assignment.

In the event the employee fails to qualify within a seven working day period, a disciplinary hearing shall be conducted by the Superintendent of Police, or his/her designee. The hearing shall determine whether the employee is unable to perform his/her assigned duties, and therefore be dismissed from the Department.

Police recruits who fail to successfully complete any exercise shall be governed by the recruit training curriculum as set forth by the Commander of the Education and Training Division.

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Scenario Based Weapon Safety Training Protocol

211.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a set of safety guidelines for all scenario-based (force-on-force) weapons training, and training where weapons are used as part of that training. The safety of instructors, participants and observers is of the utmost importance.

211.2 INSTRUCTIONS

Only employees from the Education and Training Division and the Special Operations Division are authorized to conduct scenario-based weapons training. Commanders of these two Divisions shall pre-approve, in writing, all scenario-based weapons training, weapons, ammunition and instructors from within their respective division.

A safety protocol shall be followed in every case where weapons are used during scenario-based training. Additional safeguards shall apply when simunitions are used in scenario-based training.

The lead instructor is in command of the training exercise and the training area. The lead instructor will immediately remove from the training area anyone who jeopardizes the safety of instructors, participants and/or observers.

While participating in simunitions or less lethal scenario training, instructors, regardless of rank, shall be considered in command of the exercise. All directions given by instructors shall be immediately and precisely executed. Safety is the first priority, and is everyone's responsibility. Any participant, instructor, or observer, shall call a cease fire for any and all safety concerns.

Participants shall receive training certificates upon completion of training.

211.3 SCENARIO BASED TRAINING

The lead instructor shall give the standard safety briefing before each training session (see 211.5 and 211.5.1).

The lead instructor shall ensure that the training area is clearly defined and marked, and that all participants are informed as to the specific location and limits of the training area.

Prior to the beginning of training, the lead instructor shall ensure that the training area is clear of live ammunition or loaded weapons.

Each person who enters the training area is responsible to secure all loaded weapons, magazines and ammunition outside of the training area. No person entering the training area shall bring live ammunition or loaded weapons into the training area.

The lead instructor shall ensure that everyone who enters or re-enters the training area is confronted, checked for weapons and live ammunition and instructed to secure weapons and ammunition outside of the training area.

The lead instructor shall ensure that all items carried into the training area are checked for, and cleared of weapons and ammunition. Because black CQT cartridges are lethal and will

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fire in converted weapons, they shall be considered to be live ammunition, and removed from the training area.

Prior to the start of scenario-based weapons training, two instructors shall check each weapon to be used in the training.

Prior to the start of scenario-based weapons training, all persons present, including but not limited to participants, instructors, and observers, shall participate in a line inspection times four .

(a) All persons present shall appropriately secure all weapons and ammunition prior to entering the training area.

(b) Once inside of the training area, all persons except the instructors form a single file line, standing shoulder to shoulder. Two instructors shall check each person in line.

(c) Two instructors shall check and tape each weapon to be used in the training. The first instructor shall check the weapon; the second instructor shall also check then tape the weapon. All training weapons shall be conspicuously marked with colored tape in two places.

(d) Once instructors have checked all persons and weapons, they join the line. The persons in line turn, so that they are standing back to front. Each person checks the person in front of them. The persons in line then turn about face and check the person in front of them.

All persons present must wear eye protection.

All blank-gun shooters must wear ear protection.

All instructors shall be identified by a vest clearly marked Instructor .

When returning to the training area after meal breaks, instructors shall check weapons, perform a line inspection times four, and replace the colored tape markings on all weapons with a different color of tape.

211.4 ADDITIONAL PROTOCOL FOR TRAINING WITH SIMUNITIONS

An instructor will be designated as a safety officer. He shall be identified to all participants.

The safety officer supervises the loading and unloading of all weapons and magazines.

The safety officer shall supervise the conversion of all weapons.

Two instructors shall check each training weapon for proper conversion.

While within the training area and awaiting training, all weapons shall be holstered, and the magazines removed from the weapons.

Two instructors shall participate in loading, with one instructor loading, and one instructor observing and confirming that only FX cartridges are loaded.

The safety officer shall brief all participants on the proper use and fit of safety equipment. Prior to the start of each scenario, an instructor will check each participant's safety equipment.

Body armor and full face and neck protection is mandatory. Athletic cups, long sleeve shirts and long pants are recommended.

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The lead instructor shall signal the beginning and the end of each exercise.

211.5 MANDATORY BRIEFING FOR ALL SCENARIO-BASED WEAPONS TRAINING

(a) No live ammunition is allowed in the training area. Trainees are to report to the training area with weapons holstered and empty magazines removed.

(b) Prior to training, and after return from breaks, everyone shall participate in a line inspection times four.

(c) Observers or visitors are prohibited from entering the training area with firearms or ammunition.

(d) Observers or visitors shall present themselves to an instructor to be checked prior to entering the area.

(e) Weapons used in training shall be inspected and marked conspicuously. They shall be introduced to all participants.

(f) Instructors shall wear vests with markings identifying them as instructors.

(g) While participating in simunitions or less-than-lethal scenario training, instructors shall be considered in command of the exercise. All directions given by instructors shall be immediately and precisely executed. Safety is the first priority, and is everyone's responsibility.

(h) Anyone leaving the training area shall be immediately re-checked by an instructor prior to re-entering the area.

(i) The lead instructor is in command of the training exercise and the training area.

(j) The lead instructor shall signal the start and end of each exercise.

(k) The lead instructor shall ask for, and provide answers to any questions asked by participants pertaining to scenario-based weapons training.

211.5.1 ADDITIONAL MANDATORY BRIEFING FOR TRAINING WITH SIMUNITIONS

(a) At all times, all weapons shall be handled as if they were loaded.

(b) Control the muzzle and your trigger finger. Keep your finger out of the trigger guard until you are ready to fire.

(c) One instructor shall be designated and introduced as the safety officer.

(d) The safety officer shall direct the loading and unloading of all weapons and magazines.

(e) Loading requires two instructors, one instructor loading and one instructor observing and confirming that only FX cartridges are loaded.

(f) Black CQT cartridges are not allowed in the training area.

(g) There will be instruction on the proper use and fit of safety equipment.

(h) Body armor, full face and neck protection are mandatory. Athletic cups, long sleeve shirts and long pants are recommended.

(i) Shots shall be aimed at center mass or the front of the head.

(j) Shots shall not be intentionally aimed at the back of the head or an appendage.

(k) Less lethal weapons may be aimed at the back of the head or an appendage if those targets are appropriate for the less lethal weapon being used.

(l) Any participant, instructor, or observer, shall call a cease fire for any and safety concerns. Examples of safety concerns which would require a cease file include but

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are not limited to: a non-participant entering the training area or a piece of protective equipment shifting or failing. An air horn or whistle may be used to indicate an immediate cease fire situation.

(m) Cease fire commands will be repeated until every officer and instructor has gotten the word.

(n) Only the lead instructor may re-start the scenario after a cease fire is called.

(o) The lead instructor will signal the start and end of each exercise.

(p) The instructor shall ask for, and provide answers to any questions asked by participants pertaining to simunitions training.

(q) No point blank shots. A minimum distance of 6' for shots is recommended.

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Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (e-mail) system provided by the Department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Louisiana Public Records Law). Messages transmitted over the e-mail system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of tasks and/or communications directly related to the business, administration or practices of the Department.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, transmitted over the department computer network or accessed through a web browser accessing the department system are considered department records and therefore are the property of the Department. The Department reserves the right to access, audit and disclose for any lawful reason, any message, including any attachment that is transmitted or received over its e-mail system or that is stored on any department system. The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system. Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department. The use of any computer, Internet service, telephone service or other wireless service to send or receive information that may be related to public business may be subject to review or disclosure.

212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline. E-mail messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should seek prior approval from his/her supervisor or unit commander. Personal advertisements or announcements are not permitted. It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's e-mail, name and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Employees must check the department e-mail system and read their new messages each workday. Because the end user e-mail system is not designed for, nor does it support, long-term retention and archiving of messages, e-mail that an employee desires to save

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or that requires retention should be printed and/or stored in another database designed for long-term storage and retrieval. Users of e-mail are solely responsible for the management of their mailboxes. Messages may be automatically archived at regular intervals from the system, as determined by the City of New Orleans Office of Information Technology and Innovation.

212.5 E-MAIL RECORD MANAGEMENT

The e-mail system used by employees of the New Orleans Police Department is managed by the City of New Orleans Office of Information Technology and Innovation.

212.6 E-MAIL PROTOCOL

Department members, when sending e-mails to NOPDAll, are required to place a description of the subject matter in the subject line of the heading.

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Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

214.2 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Superintendent of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes, nor shall members of the Department design and/or use any other stationary which gives the appearance of official correspondence. Internal correspondence should use appropriate memorandum forms (Form 105). These may be from line employee to employee, supervisor to employee or any combination of employees.

214.3 SURVEYS

All surveys made in the name of the Department shall be authorized by the Superintendent of Police or the authorized designee.

214.4 OTHER COMMUNICATIONS

Departmental Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Superintendent of Police or the authorized designee.

214.5 INFORMATION BULLETINS

All Information Bulletins shall be issued in the name of the Superintendent of Police and shall be approved by the Superintendent of Police or the authorized designee prior to issuance. Information Bulletins are non-directive in nature.

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Concealed Handgun Permit

218.1 PURPOSE AND SCOPE

This policy identifies the Department's responsibilities involving concealed handgun permits.

218.2 STATE ISSUED CONCEALED HANDGUN PERMIT

The Department of Public Safety and Corrections (DPSC) has the statutory authority to issue a concealed handgun permit. A permit shall be issued to any citizen who qualifies pursuant to state law (La. R.S. 40:1379.3). The New Orleans Police Department does not issue concealed handgun permits for the State of Louisiana.

Commissioned law enforcement officers are exempt from the requirements involving a concealed handgun permit (La. R.S. 40:1379.3(Q)).

218.2.1 APPLICATION PROCESS

The Department of Public Safety and Corrections (DPSC) issues permits to carry a concealed handgun to Louisiana residents who meets the requirements set by the Department of Public Safety and Corrections, including demonstrating competence with a handgun (La. R.S. 40:1379.3(B); La. R.S. 40:1379.3(C); La. R.S. 40:1379.3(D)). Within two working days of receiving an application, DPSC will notify this department that a person domiciled within the City of New Orleans has applied for a concealed handgun permit.

Notifications from DPSC regarding concealed handgun permits shall be forwarded to the Records Manager. The Records Manager is responsible for ensuring that any information relating to the applicant's legal qualification to receive a permit is forwarded within 10 days to the deputy secretary of DPSC (La. R.S. 40:1379.3(H)).

218.3 PERMIT ISSUED IN ANOTHER STATE

A permit to carry a concealed handgun that is issued by another state that recognizes the validity of permits issued pursuant to Louisiana law shall be valid in this state (La. R.S. 40:1379.3(T)). The person shall be subject to the restrictions regarding the carrying of concealed firearms in Louisiana.

218.4 SEIZING OR REVOKING PERMITS

An officer may seize the handgun of any person physically arrested for negligently carrying a concealed handgun. In the event the officer determines that a physical arrest is appropriate both the handgun and the permit of the person shall be seized (La. R.S. 40:1379.3(I) (2); La. R.S. 40:1382).

Whenever an officer determines that grounds exist for the revocation of a concealed handgun permit, he/she shall prepare an affidavit on the appropriate form provided by DPSC indicating the reasons for the revocation. A copy of the officer's report relating to the incident shall be attached to the affidavit when submitted to DPSC (La. R.S. 40:1379.3(I) (5)).

The Superintendent of Police may revoke a concealed handgun permit that is valid only within the City of New Orleans (La. R.S. 40:1379.1(I)).

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218.5 CARRYING CONCEALED FIREARMS RESTRICTIONS

An individual with a concealed handgun permit may not carry a concealed handgun while under the influence of alcohol or a controlled dangerous substance. A blood alcohol level of .05 percent or greater, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance is considered being under the influence (La. R.S. 40:1379.3(I)1).

Concealed handguns are not permitted in certain buildings or other areas that may be prohibited by law. Examples include, but are not limited to the following:

(a) Any establishment that has been granted a permit to sell alcoholic beverages for consumption on the premises (La. R.S. 26:71.1; La. R.S. 26:271).

(b) Any place where a property owner, lessee or other lawful custodian of the property has prohibited or restricted persons from possessing a concealed handgun (La. R.S. 1379.3(O).

(c) Any school firearm-free zone pursuant to La. R.S. 14:95.6.

(d) Any portion of an airport facility where the carrying of firearms is prohibited under federal law, except that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment, for the purpose of checking such firearm as lawful baggage.

(e) Those areas identified under La. R.S. 40:1379.3 and La. R.S. 40:1379.3(N):

1. A law enforcement office, station, or building.
2. A detention facility, prison, or jail.
3. A courthouse or courtroom provided that a judge may carry such a weapon in his own courtroom.
4. A polling place.
5. A meeting place of the governing authority of a political subdivision.
6. The state capitol building.
7. Locations where carrying a concealed firearm is prohibited by state or federal law, including any portion of an airport facility where the carrying of firearms is prohibited under federal law, except that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment, for the purpose of checking such firearm as lawful baggage.
8. Any church, synagogue, mosque, or other similar place of worship, eligible for qualification as a tax-exempt organization under 26 U.S.C. 501, except as provided for in Subsection U of this Section.
9. A parade or demonstration for which a permit is issued by a governmental entity.
10. Any portion of the permitted area of an establishment that has been granted Class A-General retail permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises.
11. Any school, school campus, or school bus as defined in La. R.S. 14:95.6.
    (a) A student who possesses a firearm in his dormitory room or while going to or from his vehicle or any other person with permission of the administration (Louisiana Department of Public Safety and Corrections Office of State Police is expected from this restriction (Concealed Handgun Permit Unit web booklet on Louisiana Concealed Handgun Permit Laws and Administrative Rules., page 35).

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218.6 RECORDS

Any information provided in connection with an application for a concealed handgun permit shall be held confidential and is not subject to a public records request (La. R.S. 1379.3(A)(2)).

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Unit Goals and Objectives

221.1 PURPOSE AND SCOPE

Long term planning and the ability to foresee problems affecting policing within a large metropolitan police department are important factors in modern law enforcement efforts. Resource allocation, fund appropriation, enforcement techniques, and changes in scientific detection procedures oftentimes require extended periods of time to implement. Sound management principles necessitate ongoing long term planning to address anticipated needs in policing and related support requirements.

221.2 POLICY

Each unit within the New Orleans Police Department shall submit a written report to their Bureau Chief outlining the goals and objectives for the upcoming year. This correspondence is due by September 1st, prior to the beginning of the year outlined.

221.3 REQUIRED REPORTING AND DISTRIBUTION

The submitted report should include the anticipated needs in areas of personnel, equipment, and capital improvements, along with the approximated cost of any projects.

Bureau Chiefs shall prepare a report to the Superintendent of Police outlining the goals and objectives of the upcoming year.

The Superintendent of Police shall, at a time and place determined by his/her office, hold a meeting where the goals and objectives of the upcoming year will be formally presented by the Bureau Chiefs.

Copies of the goals and objectives of the upcoming year shall be forwarded to the Office of Policy and Planning by the Bureau Chiefs after being formally submitted to the Superintendent.

Goals and objectives not requiring additional expenditures, which can be accomplished within each Bureau's current fiscal budget, shall be implemented at the discretion of the Bureau Chief.

Goals and objectives requiring the acquisition of additional funding, allocation of personnel, capital improvements, the purchase of additional equipment, etc. shall be approved by the Superintendent of Police.

Bureau Chiefs shall submit to the Superintendent of Police written updates as to the progress being made toward the accomplishment of goals and objectives. Reports shall be made quarterly, with a copy being forwarded to the Office of Policy and Planning.

The Office of Policy and Planning shall be responsible for the coordinated effort in revising or issuing any policies or procedures needed in the implementation of goals and objectives.

221.4 RECORDS

The Office of Policy and Planning shall maintain files on Bureau goals and objectives, including the periodic updates, indicating the progress made toward completion of the objective.

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Lost or Misplaced Driver's License

223.1 PURPOSE AND SCOPE

The purpose of this policy is to provide instructions when any member of the Department loses a person's driver's license during the course and scope of their duty.

223.2 PROCEDURE

When a member of this department loses another person's driver's license during the performance of their duties the following actions shall be taken as required for the state of issue:

(a) Lost Louisiana driver's license:

1. The member shall complete an interoffice correspondence (form 105) containing the below information:
   - (a) The name, date of birth, sex, address, city, state and zip code of the individual whose licens was lost;
   - (b) The driver's license number; and
   - (c) A brief explanation of how the license was lost or misplaced.
2. The correspondence shall be signed by the member responsible for the loss and submitted to his/her unit commander for approval.
3. The member shall complete a Lost Driver's License Form # 178 and obtain signatures.
4. The completed forms shall be distributed as follows:

(a) Copies of both forms will be maintained in the member's unit file.

(b) The original correspondence and a copy of Form # 178 will be attached to the citation (if applicable) and forwarded according to the regular procedure for forwarding citations. If licenses are lost in the course of an investigation or other administrative procedure without a citation, the two forms shall be forwarded to the Citation Processing Office.

(c) The original Form # 178 will be hand delivered or mailed via certified mail by the employee responsible for the loss of the driver's license to individual whose license was lost. The individual whose license was lost shall be instructed to report to a Driver's License Office with the form.

(a) Lost driver's license from a state other than Louisiana:

1. The member responsible for the loss shall complete the Lost Driver's License - Out of State (Form #177) as follows:

(a) The form shall be completed (typed) by the member responsible for the loss.

(b) Every portion of the form shall be completed, except the Citation Number section if it is inapplicable.

(c) The member responsible for the loss shall place his/her first and last name in the Reference Section of the form.

(d) The member will then submit the completed form to his/her Unit Commander for processing.

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(a) The Unit Commander, or his/her designee, shall sign the form, ensuring a copy is given to the individual whose license was lost.

1. In the event the license is lost after the issuance of a citation, and the individual has left the area or his/her whereabouts is unknown, the Commander signing the correspondence shall ensure the member responsible for the loss mails a copy of the form to the address listed on the citation.

2. In the event the license is lost during an investigation, or if the individual's local whereabouts is known, the Commander shall ensure the individual is supplied with a copy of the form prior to his/her departure from the city. The individual whose license was lost shall be instructed to report to his/her local governmental agency responsible for issuing the license to obtain a duplicate.

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Administrative Reporting

225.1 PURPOSE AND SCOPE

The purpose of this policy is to provide information within the agency about the day-to-day operation of the Department as it relates to the activities of commissioned personnel toward fulfilling the goals and objectives of the Department.

225.2 POLICY

It is the policy of the New Orleans Police Department to utilize an "Administrative Reporting Program," including daily, monthly, and annual reports to provide reliable information to be used in management decision making (e.g., deployment of personnel, budget preparations).

225.3 PROCEDURE

The Administrative Reporting Program shall contain the following:

(a) Daily Activity Sheets - Daily Activity Sheets shall be prepared by patrol officers and supervisors, providing a chronological log of their daily activities. Each officer and supervisor is required to provide a daily report of his/her patrol/investigative activities, assigned police unit, mileage, assigned tour-of-duty (hours), and shift assignment.

(b) Officers shall submit their daily reports to the designated supervisor for review at the end of their respective shift. Officers shall be responsible for signing their Daily Activity Sheets.

(c) Supervisors shall submit their daily reports to their supervisor for review at the end of their respective shift. Supervisors shall be responsible for signing their Daily Activity Sheets.

(d) Usually, platoon sergeants will be responsible for review and approval, any required follow-up, and forwarding of information to the District Commander, through their chain of command.

(e) District Commanders and Commanders of Units requiring the completion of a "Daily Activity Sheet," shall retain same in their files for a period of three years.

(f) Monthly Summary Report - Each platoon commander, where the completion of Daily Activity Sheets is mandated, shall cause a monthly summary report to be completed.

1. The report shall contain the summary of major offenses, traffic accidents, arrests, significant incidents, community events, training, R.T.F.'s, etc.
2. The report shall be forwarded to the District/Division/Section/Unit Commander.
3. The captured data shall be forwarded, through the chain of command, to the Bureau Deputy Superintendent for informational and dissemination purposes.
4. District supervisory personnel shall utilize this report information to identify the patrol and investigative objectives of his/her respective platoon for the upcoming month.

(g) Annual Report - The Superintendent of Police shall cause the preparation and distribution of the Police Annual Report for review by the Mayor, City Council, other City/governmental agencies, and private citizens. Sufficient quantities shall be maintained to fulfill anticipated demand. The repository of the Annual Report shall

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be the Office of Policy and Planning. The purpose of the Annual Report is to provide a cumulative summary of the monthly reports for the previous year.

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Self Identification/Building Security

227.1 PURPOSE AND SCOPE

The purpose of this policy is to regulate when personnel employed by the New Orleans Police Department shall identify themselves to the public as well as when employees are required to have their NOPD identification credentials, including the HID Proximity access card used to enter headquarters, on their person. This policy also dictates the process for which visitors are allowed access into Police Headquarters.

227.2 POLICY

All sworn and non-sworn employees, regardless of civil service classification, whether in uniform or not, and whether on-duty or off-duty, shall have proper New Orleans Police Department credentials on their person and, when not in uniform, display his/her printed credentials before acting officially, unless the urgency of the situation prevents such identification.

Commissioned personnel, when not in uniform, shall wear their badge in a clearly visible area when on a crime scene, or when responding to radio dispatch calls.

All employees, when acting in their official capacity, shall courteously and professionally display his/her credentials, allowing any person who reasonably seeks this information a reasonable opportunity to examine same.

All employees, when acting in their official capacity, shall courteously provide his/her name, rank, badge number, or civil service classification to any person who reasonably seeks this information.

All employees entering Police Headquarters, when not in uniform, shall have their badge and HID Proximity access card displayed. While in Police Headquarters, the badge and HID Proximity access card shall remain displayed at all times.

227.3 BADGE PASS

Badge Pass is a visitor management and database security system which is used to manage visitor access to Police Headquarters. Officers working the Welcome Desk at the front lobby shall ensure all visitors to Police Headquarters are checked in via the Badge Pass system.

227.4 VISITORS TO POLICE HEADQUARTERS

All guest and individuals (including delivery personnel) shall enter Police Headquarters through the main entrance where they will be given floor passes via the Badge Pass system. The Badge Pass is to be worn at all times and restricts the visitor to the floor indicated on the front of the pass.

Only one Badge Pass shall be issued for one particular floor at a time per individual. Business on multiple levels of headquarters will require the guest to process into and out of the Badge Pass system for each floor he/she wishes to visit.

Once the guest has finished his/her business, he/she shall return to the Welcome Desk and be processed out of the Badge Pass system. The Badge Pass shall be returned to the

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officer on duty at the Welcome Desk and the pass shall be torn in half and discarded in the proper trash receptacle.

Individuals observed within headquarters without a pass or displayed credentials shall be stopped and courteously questioned as to their identity and destination within the building. The individual shall be escorted by the employee to the Welcome Desk and processed through the Badge Pass system in order to continue their business within headquarters.

All members, on-duty or off-duty, are responsible for the safety of their fellow members, as well as themselves, while at headquarters. Visitors attempting to access headquarters through the back door (loading dock area or basement) shall be escorted by the officer observing such attempt to the Welcome Desk where the officer on duty shall process the visitor through the Badge Pass system.

All visitors requesting access to the 2nd through 5th floors shall be escorted by a member of the unit they wish to visit. Officers working the welcome desk shall advise the visitor to stand by and notify the respective office of a visitor escort being needed. The respective office shall send a member to escort the visitor(s) to the office.

Juvenile visitors shall be accompanied by an adult or guardian while visiting headquarters at all times.

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Radio and Sound Recording Equipment

229.1 PURPOSE AND SCOPE

The purpose of this policy is to regulate the use of radio, television, and sound recording equipment by employees of the New Orleans Police Department while on-duty.

229.2 POLICY

Department employees shall not use radio and sound recording equipment while on duty except as authorized by the policies and procedures of the Department.

229.3 USE OF EQUIPMENT

Written request for authorization to utilize Citizen's Band (CB) equipment shall be forwarded through the chain of command to the Deputy Superintendent of Management Services Bureau for approval.

Unit Commanders may authorize the use of radio equipment in office areas for the purpose of listening to commercial radio stations as long as its use does not interfere with normal conversation and monitoring of police radio equipment.

Unit Commanders may authorize the use of television in office areas for the purpose of listening to commercial television stations as long as its use does not interfere with normal conversation and monitoring of police radio equipment.

The installation of compact disc players, cassette players, and radio receivers used to receive commercial radio stations in department owned vehicles are prohibited except when such equipment has been factory installed or when the installation or use of such equipment has been approved by the Deputy Superintendent of Management Services Bureau.

Commanding officers may authorize the use of sound recording equipment for investigative purposes. When authorizing the use of sound and or audio recording equipment for investigative purposes, commanders shall ensure that employees adhere to the policies and procedures of the New Orleans Police Department during the use of the equipment. Specific authorization need not be granted when recording written statements for internal investigations.

229.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

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Fiscal Management

230.1 PURPOSE AND SCOPE

The purpose of this policy is to set the standards relating to administration, budgeting, purchasing, and procedures for the inventory and control of department-owned property.

230.2 DEFINITIONS

Definitions related to this policy include:

AFIN - (**A**dvantage **FIN**ancial) - a computerized, networked, comprehensive governmental financial system that fulfills all basic accounting and financial management requirements. Specific functions AFIN can perform include, but are not limited to: budgeting, planning, expenditures, accounting, cash disbursements, revenue accounting, accounts payable, accounts receivable, journal vouchers, payroll accounting, cost accounting, federal aid management, project management, inventory control, closing, and financial reporting.

Operational Readiness - An operational status reflecting appropriate and sufficient care and cleaning, preventive maintenance, repair, work ability, and responsiveness.

Pre-encumbered - Funds committed in the form of an order, contract, salary or similar item that will become payable when goods are delivered or services rendered.

Encumbered - Funds, formally pre-encumbered, committed for goods which have been delivered or for services which have been rendered and have become payable.

Expended - Funds, formally encumbered, for which a check has been issued in payment.

Uncommitted - Funds available for expenditure.

230.3 FISCAL MANAGEMENT OVERSIGHT

Per the Mayor of the City of New Orleans, the Chief Administrative Officer of the City of New Orleans and the policies/procedures of the New Orleans Police Department, and the Superintendent of Police have the ultimate authority and responsibility for the fiscal management of the Department, including but not limited to:

(a) Coordination, supervision, review and approval of the development of the annual Departmental Operating Budget;

(b) Supervision of internal Departmental expenditures and related controls;

(c) Maintenance of liaison with the Department of Finance, City of New Orleans; and

(d) Preparation of Cost Reports and/or Cost Projections associated with the various special events, or unforeseen special occurrences throughout the year.

230.3.1 DIRECTOR OF BUDGET

The Director of Budget Services - Fiscal Section is responsible and accountable to the Superintendent of Police. The Director manages the Department's fiscal affairs through the efforts of the fiscal management staff which consists of Account Technicians, Junior Accountants, and a Senior Accountant. While having broad, generalized knowledge and abilities and typically working in concert, each member of the staff also specializes in the budgetary affairs of a specific Departmental organizational component. The Senior

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Accountant handles all matters relating to non-general fund activities including state and federal grants.

230.4 DEPARTMENTAL OPERATING BUDGET

The New Orleans Police Department shall prepare an annual Departmental Operating Budget Request. The Chief Administrative Officer typically provides guidelines and forms to the Director of Budget Services - Fiscal Section. The Director shall ensure the appropriate forms are distributed to Bureau/Office commanders and shall ensure the Department's collective budget request is completed in a fashion consistent with the format, guidelines and timetable established by the Chief Administrative Officer.

230.4.1 COMMAND STAFF PARTICIPATION

All command staff officers shall participate in the budget preparation process. Each of the major Bureaus and Offices shall prepare program narratives for the approval of the Superintendent of Police which list:

(a) Their subordinate units and purpose of each;

(b) How each unit assists the Department in achieving its objectives; and

(c) Performance measures and a detailed request for enhancements including a justification for each.

230.5 PURCHASING OF EQUIPMENT AND SUPPLIES

All purchasing shall be in compliance with CAO Policy Memorandum No. 24 (R) which states the following:

(a) Purchases of $1,000 or less may be done on a no bid basis by payment voucher which is entered into AFIN.

(b) Vendors for purchases costing $1,000.01 to $5,000 shall be selected by telephone bid. Bids must be obtained from at least three vendors and written confirmation must include facsimiles (faxes), must be obtained. The quotes are forwarded to the Department of Finance along with a memorandum of explanation. A requisition must be entered into AFIN.

(c) A fourteen day written bid, via the Department of Finance, is required for purchases expected to cost $5,000.01 to $9,999.99.

(d) A twenty-one day written bid via the Department of Finance is required for purchases expected to cost $10,000 or more. Bids must be received by a specific time and date and there is a formal bid opening. A contract is awarded to normally the lowest bidder and a purchase order is issued.

1. Typically, the lowest bidding vendor is selected. The requirement to select the lowest bidder may be overcome, however, if the party requesting the goods or services can satisfactorily demonstrate the low bidder's inability to meet desired specifications.

2. The bid process may be averted if state contract vendors, or vendors who have been designated by State purchasing officials as the lowest cost providers of specific supplies, equipment, or services, are utilized.

230.5.1 PERMISSION TO PURCHASE

To initiate a purchase, a Permission to Purchase form (Form #104) shall be completed and approved by the appropriate command personnel and forwarded to the Director of Budget Services - Fiscal Section. Following the Director's approval, the Budget Services - Fiscal

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Section management staff shall then affect the necessary AFIN entries and/or convey the request(s) to the Department of Finance.

230.5.2 EMERGENCY PURCHASES OF EQUIPMENT AND SUPPLIES

Emergency purchases requiring bids shall be in compliance with CAO Policy Memorandum No. 42 (R) which states the following:

(a) The requirement of public advertisement may be waived in cases of extreme public emergency if such emergency is certified by the City Council and a notice of the emergency is published within ten days in the City's official journal.

(b) The emergency must meet the defining criteria of La. R.S. 38:2211(6).

(c) For purchases costing $10,000 and above, declaration of an emergency by councilmanic action only waives the requirement for advertisement. Bids still must be requested and the purchase awarded to the lowest bidder.

(d) For purchases costing $5,000.01 or more, the Bureau of Purchasing must obtain at least three written bids and an invitation for bids must be posted at its office for eight days prior to bid opening and acceptance. However, these provisions shall not apply to emergency purchases authorized by the City Council.

(e) Emergency rental of equipment shall be construed as an emergency purchase, and shall be governed by the aforementioned provisions.

Whenever emergency purchases are contemplated, the Director of Budget Services - Fiscal Section shall be notified. The Director shall in turn contact the Bureau of Purchasing for guidance, assistance and for purposes of notification.

230.5.3 REIMBURSEMENT FOR EXPENDITURES

All request for reimbursement of out of pocket expenditures by employees for official entertainment or for the purchase of other items must be approved by the Superintendent of Police.

No employee is authorized to make any purchase on behalf of the department without first receiving written authorization from their Bureau Commander and the Superintendent of Police. If time and circumstances permit, the authorization shall be on an interoffice correspondence (Form #105).

Once an explanation is made, a Request for Reimbursement Form (Form #180) shall be completed and forwarded through the chain of command to the Superintendent's Office for approval. After the approval by the Superintendent of Police, the Request for Reimbursement form shall be distributed as follows:

(a) The original and one copy to the Management Services Bureau;

(b) One copy to Budget Services - Fiscal Section; and

(c) One copy to the originating Bureau.

230.6 DEPARTMENT CREDIT CARDS

A department credit card is intended for official use only.

Members issued a department credit card are authorized to use the card for fuel purposes only.

Members are prohibited from using department credit cards for personal use in any manner.

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Each Bureau shall maintain complete records of credit card use. Upon each use, a report of the use and all original receipts shall be submitted to Budget Services - Fiscal Section.

230.6.1 USING THE DEPARTMENT CREDIT CARD

During an emergency or approved travel outside the City of New Orleans, a member may request a department credit card stating the official purpose in an Interoffice Correspondence (Form #105).

The Bureau Office of the requesting member shall issue a credit card to the member upon approval of the request by the Deputy Superintendent of that Bureau.

(a) The requesting member shall sign for the credit card and indicate the time and date received.

(b) The requesting member shall return the credit card immediately upon completion of the emergency need or travel mission, signing and indicating the time and date returned.

(c) Any receipts for purchases made with the credit card shall be submitted at the time of the return of the card.

230.7 SUPPLEMENTAL FUNDING

Any shortfall in the Departmental Operating Budget requiring additional appropriation of funding, regardless of precipitating events or factors, must ultimately be addressed via councilmanic ordinance.

To initiate a petition for supplemental funding, the Director of Budget Services - Fiscal Section shall, at the direction of the Superintendent of Police, prepare a detailed summary of the projected budgetary shortfall and the reason for same. The Director shall forward the summary to the Chief Administrative Officer for review.

Following review by the Chief Administrative Officer, a hearing will be held before the Council Budget Committee which will make its recommendations to the City Council. The City Council will approve or disapprove the request for additional funding. Should an additional budget appropriation be approved, the City Council will pass an ordinance to that effect. The Chief Administrative Officer will then cause the Departmental Operating Budget to be amended in AFIN.

230.8 ACCOUNTING - MONTHLY STATUS REPORTS

At least monthly, Bureau/Office commanders shall ensure the following AFIN reports for their perusal:

(a) Appropriation Table (APPR) depicting initial appropriations for Personal Services (APPR Unit 100), Contractual, Equipment, and Supplies (APPR Unit 200), amounts which have been pre-encumbered, encumbered, or expended, as well as the remaining uncommitted balance.

(b) Allocation Table (ALLT) depicting the initial allocation spread over the four quarters of the year and actual versus desired spending level for each quarter.

230.9 COLLECTION, SAFEGUARDING, AND DISTRIBUTING CASH

(a) All units maintaining a cash account must either have approval by virtue of an ordinance passed by the New Orleans City Council, or written approval by the Superintendent of Police.

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(b) The Department will collect, safeguard, and disburse cash in a fully accountable manner.

(c) The Department of Finance maintains records and prepares financial statements of appropriations among departments.

(d) Each commander of a unit with an authorized cash fund must designate a person or position responsible for acceptance or disbursement of cash.

(e) Each unit with an authorized cash fund must maintain a balance sheet or ledger (written or computerized) that identifies balances, credits, debits, and the balance on hand. If the balance sheet or ledger is computerized, the person responsible for maintaining the cash account within each unit shall be responsible for backing up the computer data and storing the backed up data off-site.

(f) Officers must submit receipts or other documentation identifying funds spent from the cash account to the person responsible for maintenance of the account.

(g) All expenditures from a unit's cash account must be approved by the unit commander or his/her designee. Any expenditure from a unit's cash account in excess of $500 must be approved by the Superintendent of Police or his/her designee.

(h) Each unit with an authorized cash account must submit a written quarterly accounting of the activity in the account. The person responsible for the maintenance of the account must submit the accounting report through his/her chain of command to his/her Bureau Commander. The report shall be in the form of a 105 indicating the beginning balance for the quarter, the ending balance for the quarter, the total expenditures, and the total deposits. The report shall also include a description of any unusual expenditure during the quarter. Finally, if there is a discrepancy in the accounting report, a detailed explanation accompanied by a plan to rectify the discrepancy must be included within the report.

(i) The quarterly accounting shall be approved by the appropriate Bureau Commander by the last day of the first month of each quarter. Once approved by the Bureau Commander, the report shall be forwarded to the Office of Budget Services - Fiscal Section.

230.10 INDEPENDENT AUDIT

An independent audit shall be conducted at least every three years of all department accounts and finances of the New Orleans Police Department. All Departmental accounts are open for inspection by the City auditors. Departmental personnel shall provide full cooperation and assistance to the auditors.

230.11 DEPARTMENT OWNED PROPERTY

The Deputy Superintendent of the Management Services Bureau (MSB)is designated as the Fixed Asset Coordinator and is responsible for maintaining a master inventory of all Departmental property and equipment with a value of $500 or more and which has a useful life of at least one year, per CAO Policy Memorandum No. 48 (R). The Fixed Asset Coordinator shall be responsible for coordinating physical inventory, ensuring new purchases are tagged and recorded, and transfers are properly recorded. Also see Policy 700 - Department-Owned and Personal Property

To assist the Fixed Asset Coordinator, the Director of Budget Services - Fiscal Section shall ensure the fiscal management staff orders and obtains inventory forms and City property tags from the Department of Finance, Bureau of Accounting, when purchasing items valued at $500 or more and with a useful life of at least one year. Additionally, they shall ensure

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the tags are appropriately affixed to the items and a copy of the inventory forms forwarded to the Fixed Asset Coordinator to be included in the master Departmental inventory.

The Fixed Asset Coordinator shall record and update additional information such condition, useful life, maintenance requirements, and warranty data.

230.12 OPERATIONAL READINESS OF DEPARTMENT EQUIPMENT

The Deputy Superintendent of the Management Services Bureau is responsible for ensuring all stored items, including but limited to: radios, weapons, batons, items of special equipment, such as radar, cameras, and closed circuit TV surveillance devices, are maintained in a state of operational readiness. Operational readiness inspections shall be performed at regular intervals established by the Deputy Superintendent of the Management Services Bureau.

For those items not under the immediate control of the Management Services Bureau, the Deputy Superintendent of the Management Services Bureau shall cause the aforementioned inspections to be conducted by a designated custodian, who will provide status reports of a fashion, and on a schedule, compatible with instructions from the Deputy Superintendent.

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Private Property - Damage and Repairs

232.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting and documentation of incidents where private property has been damaged during the execution of police duties, or when the police department determines private property has been damaged by another agency of city government or by city property.

232.2 INSTRUCTIONS

When privately owned property is damaged during the execution of official police duties, the investigating officer shall prepare a separate Incident Report prior to the completion of his/her tour of duty. The item number of any subsequent incident report arising out of the officer's official duties shall be made part of the report documenting the damaged property. Copies of the approved report shall be forwarded, within twenty-four hours to the:

(a) Commander of the Management Services Bureau;

(b) Commander of the Bureau or Office supervising the individual(s) involved in the damaged property;

(c) City Attorney's Office; and

(d) Public Integrity Bureau.

In those instances where a structure is damaged to such an extent that it cannot be secured without repairs, the investigating officers at the scene of the incident shall notify the dispatcher, who in turn shall notify the proper unit within the Management Services Bureau to effect temporary repairs.

The investigating officer(s), or another officer shall remain on the scene until the arrival of the representative of the Management Services Bureau and, upon request of the Management Services Bureau representative, remain on the scene until temporary repairs are completed.

Temporary repairs will be completed by Management Services Bureau personnel to all unsecured structures involving burglaries and criminal damage to property where the owner or a concerned party cannot be contacted to complete the repairs. A copy of the report shall be forward to the Management Services Bureau within twenty-four hours.

Incidents involving fallen trees on city property, fallen telephone or power poles, or other like structures, which damage private property and the property owner or representative cannot be contacted shall be temporarily secured by a representative of the New Orleans Police Department. A copy of the report shall be forwarded to the Management Services Bureau, the City Attorney's Office, and the city agency that had primary responsibility for the object which caused the damage to the private property. The report shall be forwarded within twenty-four hours.

In all instances where a representative of the police department completes temporary repairs to a structure, an appropriate incident report shall be generated

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Grants

233.1 PURPOSE AND SCOPE

The purpose of this policy is to establish uniform processes for grant application, concepts, reporting, and visits.

233.2 DEFINITIONS

Definitions related to this policy include:

Grant - Federal, state, municipal, or private funds, equipment, services, technology, training, procured by the New Orleans Police Department for a specific purpose or the attainment of specific goals and objectives.

233.3 INSTRUCTIONS

Individual employees shall not contact federal, state, municipal, or private agencies to solicit grants. All Response for Proposals (grant applications), Grant Concept Papers, Reimbursement Agreements, and Non-Competitive Awards shall be originated by contacting the Management Services Bureau (MSB) Grants Administration Unit.

(a) Employees desiring to apply for a grant shall meet with employees of the MSB Grants Administration Unit. The Grants Administration personnel will study the proposal, and if approved by the Superintendent of Police, prepare the grant application, forwarding same to the proper agency offering the grant.

Upon execution of Federal and/or State Grant related Cooperative Endeavor Agreements (CEA), Memorandum of Understanding and/or Agreement (MOU/MOA), Contracts, copies and amendments, copies shall be forwarded to the MSB Grants Administration Unit.

Copies of all expenditures involving third party agreements for payment Cooperative Endeavor Agreements (CEA), Memorandum of Understanding and/or Agreement (MOU/MOA) shall be forwarded to MSB Grants Administration Unit by the respective Project Director.

All grant applications to federal, state, municipal, or non-profit agencies generated through any public/private foundation or non-profit agency as a conduit for the New Orleans Police Department shall be submitted to the MSB Grants Administration Unit for proper coordination, origination, and documentation.

Employees receiving information of a site visit, or a grant monitoring visit conducted by a federal, state, or municipal representative, or other individual representing the awarding agency or institution, shall notify the MSB Grants Administration Unit prior to the visit. Such notification shall be made through email immediately upon receiving the information on the pending visit.

Questions concerning grants or grant related matters and shall be directed to the MSB Grants Administration Unit.

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Department Forms: Development and Implementation

234.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the development of forms used by the New Orleans Police Department in its various administrative procedures. Forms supplied by other agencies (e.g., courts, District Attorney's Office, City Hall) are not covered by this policy.

234.1.1 DEFINITIONS

Definitions related to this policy include:

NOPD form - A document (including an electronic equivalent (e.g., PDF) containing relevant information, arranged in a standardized format, used for the purpose of collecting data or relaying information.

234.2 POLICY

All forms used by the New Orleans Police Department shall be housed and made available on the City's intranet site located at www.nopd.org. Each form shall bear a unique number supplied by the Office of Policy and Planning.

Forms may be photocopied by units to ensure sufficient on site quantities.

234.3 INSTRUCTIONS

The revision to or implementation of new forms shall be forwarded to the Office of Policy and Planning prior to use. This does not apply to forms used within individual units for administrative purposes. Examples include long distance telephone log books, sign in/out sheets.

234.4 REVISIONS AND/OR MODIFICATIONS TO EXISTING FORMS

Revisions and/or modifications to existing forms shall be as follows:

(a) An interoffice correspondence (Form 105), from the unit wishing to revise a form, shall be forwarded to the Office of Policy and Planning outlining why the form should be changed. This correspondence shall reference:

1. Any and all forms currently in use which are associated with the form to be revised.
2. All locations where the form is referenced in the Policy and Procedure manual.
3. The form to be revised, along with all associated forms, shall be attached.
4. Any omissions or additions in forwarding instructions shall be included in the correspondence and indicated in red ink on the form.

(b) If possible, an electronic copy of the form desired shall be forwarded to policyandplanning@nola.gov. If an electronic version is not available, red ink modifications shall be made to the current form indicating the changes.

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234.5 IMPLEMENTATION OF NEW FORMS

Implementation of new forms shall be as follows:

(a) An interoffice correspondence (form 105) from the unit wishing to implement a new form shall be forwarded to the Office of Policy and Planning outlining the need for the form and including:

1. Reference shall be made to any form currently in use where the information desired is captured either in part or in whole, if applicable.
2. A location list within the policies and procedures manual where associated forms covered in the above paragraph will be used.
3. The attachment of a handwritten or electronic copy of the proposed form.
4. Forwarding instructions at the bottom of the proposed form.

234.6 OFFICE OF POLICY AND PLANNING - RESPONSIBILITIES

The Office of Policy and Planning shall review requests for new form implementation, and present form revision, to determine the suitability of each request.

Requests deemed inappropriate, in need of extensive correction, or further modification shall be returned to the requesting unit, through the chain of command The reasons for disapproval shall be outlined or an indication where the corrections are to be made. The Office of Policy and Planning shall, upon request, assist any unit in the revision and/or preparation of forms to be used Department wide.

Prior to the implementation of new or revised forms, the Office of Policy and Planning shall ensure any conflict arising out of the use of the form with policies/procedures in effect are corrected.

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Crime Prevention Unit

242.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the duties and responsibilities of the Crime Prevention Unit.

242.2 CRIME PREVENTION UNIT RESPONSIBILITIES

Members of the Crime Prevention Unit shall formulate and implement programs targeting crimes by type and geographic location. Additionally, programs shall be developed to address perceptions or misperceptions of crime.

Members of the Crime Prevention Unit shall assist in organizing crime prevention groups in residential and business areas, addressing those crimes of primary concern to area residents.

Members of the Crime Prevention Unit shall meet regularly with area community groups within his/her district and assist in the formulation of Neighborhood Watch Groups.

Members of the Crime Prevention Unit shall provide lectures for all Neighborhood Watch Groups including no less than these topics:

- Introduction to Neighborhood Watch;
- Home security;
- Personal safety; and
- Auto Theft prevention.

Members of the Crime Prevention Unit will conduct lectures on any crime related topic that may be relative to groups in a particular area. This will be accomplished by an analysis of crime statistics and area community input.

Programs may also be developed which are geared toward certain ethnic groups or segments of the community where the perception of crime and its effects on the community are heightened. Examples include the following:

- Crime perpetrated on the elderly;
- Crime and its effect on immigrants;
- Exploitation of children;
- Juvenile related crime; and
- El Protector Program

Each officer assigned to the Crime Prevention Unit shall maintain information relative to criminal activity within his/her area of responsibility. This information will be used in the formulation of individual programs geared to specific needs of the community.

The Crime Prevention Unit shall provide input into the development of new and old residences and businesses. Their services shall be made available to both the private and public sectors of the community. Fees shall not be charged for the services provided.

The Crime Prevention Unit shall provide the following community relations functions:

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(a) Act as a liaison between community groups and various agencies as it relates to the needs of the area;

(b) Assist in formulating community relation policies for the department relay information and concerns, through the chain of command, from community groups to the proper authority within the department;

(c) Identify possible training needs through interviews with community groups; and

(d) Publicize agency goals, objectives and programs to the community with assistance from the Public Information Office.

242.3 CRIME PREVENTION UNIT - COMMANDER RESPONSIBILITIES

The commander of the Crime Prevention Unit shall conduct a survey through each Crime Prevention Officer of the various Neighborhood Watch Groups and community organizations at least every two years, of the following:

(a) Overall agency performance;

(b) Overall competence of agency employees;

(c) Officers' attitudes and behavior toward citizens;

(d) Concerns over safety within the area of the concerned groups; and

(e) Recommendations for improvement.

242.4 REPORTING

Weekly reports shall be submitted to the District Commander outlining what groups were met with, topics discussed, programs implemented, and the overall success of the operation. A copy of the report shall also be forwarded to the Crime Prevention Unit, through the proper chain of command.

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Fire Plan for Police Headquarters

245.1 POLICY

In the event of fire within Police Headquarters, manual (pull box) fire alarm stations are located throughout the building and shall be utilized to notify the Fire Department and Police Headquarters personnel. Audible sounds and visual flashing lights will activate the entire fire alarm system (which have been placed at various locations throughout the building) thus notifying all personnel and visitors. Personnel who witness or strongly suspect a fire shall pull the nearest manual pull station. The building additionally has sensors throughout to detect smoke, fire, or fumes and will automatically activate the fire alarm system. The fire alarm system contains an auto call feature which will automatically place a call to the Fire Department. If personnel are to confirm the fire, then a call should be made to the Command Desk at 671-3650. Commissioned personnel shall also utilize their police department radio.

245.2 STAIRWAYS

Except for the ground floor, stairwells are located at the end of each hallway. The stairwell on the south wing of the building exits to the outside of the building onto Gravier Street. The stairwell on the north wing of the building exits to the inside of the building on the Perdido Street side, behind the elevator. There are overhanging exit signs marking each stairwell.

Stairwells are protected by a 1.5 hour B labeled fire door indicating each floor level. These doors shall never be wedged open. The stairwells are within a two hour fire rated enclosure.

245.3 FIRE FIGHTING EQUIPMENT

All floors are equipped with at least two fire hose cabinets. The hoses are located near stairwell entrances in hallways. Each cabinet has a 1.5 inch hose which is activated by turning the valve counter clockwise.

The hose, if pulled by the nozzle, will unfold from the support rack. The hose must be fully unfolded from the rack prior to opening the valve.

Portable fire extinguishers are available throughout the building in various locations. These extinguishers shall be used on small fires only.

Any extinguishing equipment used by non fire department personnel must be utilized for small localized fires only. Do not attempt to extinguish any large or fast spreading fires. If the fire spreads fast, the person fighting the fire could get trapped leaving no escape. There are concerns with fighting fires with the use of water. The building contains floor troughs which carry electrical wires. If the floor toughs fill with water, it could possibly energize the water and create a shock hazard. Fire extinguishers are non-conductive but are limited to size and type of fires they can effectively fight.

245.4 FIRST FLOOR POLICE SECURITY DESK

Upon activation of the fire alarm system, the officer(s) assigned to the front desk shall confirm if there is a fire, smoke, or fume related emergency present in the building. The officer(s) shall contact the police dispatcher who shall relay such information to the command desk. The fire department can also be contacted directly at 671-3939. Command Desk can be contacted directly at 671-3650.

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If possible, the officer(s) assigned to the Security Desk shall remain in the main lobby to await arrival of fire department personnel. Visitors to the building shall not be allowed to enter during a fire situation. Security Desk officer(s) shall provide fire department personnel with the elevator control key and master key. If the Security Desk officer(s) cannot remain in the building, they should relocate to the front court yard and remain a safe distance from the building. Security Desk officer(s) shall make contact with Fire Department personnel upon arrival and provide assistance as necessary.

After normal business hours and on holidays, it shall be the responsibility of the commissioned personnel of the Juvenile Division to provide whatever assistance is needed by fire department personnel.

245.5 EVACUATION OF POLICE HEADQUARTERS

Upon receiving instructions to evacuate the building, or receiving notification by the audible / visual fire alarm system, all employees shall move to the nearest stairwell. All employees shall proceed to the ground floor, and exit the building. Employees exiting the building from the south (Gravier Street) stairwell shall assemble in the court parking lot facing Gravier Street. Employees exiting the building from the north (Perdido Street) stairwell will assemble in the parking lot at the corner of North Broad and Gravier Streets. Designation of assembly areas are subject to change as determined by local authorities on the scene.

Employees shall not use the elevators during a fire emergency.

When evacuating the building, make sure the stairwell is free from smoke and heat. If smoke or heat is present in the stairwell, proceed to another stairwell.

The following precautions shall be taken if persons are trapped above the fire floor:

(a) Remain behind a closed door

(b) Seal cracks and vents with cloth if possible

(c) If possible, select a room with an outside window

(d) Signal from the window to gain attention from the outside

(e) Contact the fire department, if possible, supplying the name of the trapped individual, their location in the building, and the telephone number

(f) Remain calm

Employees shall not attempt to remove any personal property from the building during an evacuation. Vehicles shall not be removed from the parking garage.

Once the building has been evacuated, employees shall not be allowed to re-enter. The decision to re-enter shall be made by the highest ranking officer on the scene, after consultation with the fire department.

Individuals with a disability or special needs, who cannot descend stairs, should proceed to the nearest stairwell. A three person carry system or the use of a regular chair can be utilized to carry the disabled or special needs person to safety.

Supervisory personnel who have hearing impaired subordinates shall ensure these employees are notified of fire alarms, and the need to evacuate.

Fire department personnel, department heads, the Chief Administrative Officer, and other pertinent individuals, through the Office of Emergency Preparedness, shall have a debriefing session, as soon as practical, after the incident to critique performance.

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Fire Plan for Police Headquarters

Fire drills shall be held at least semi-annually. The drills shall be conducted using the fire alarm system. The Deputy Superintendent of the Management Services Bureau, or his/her designee, shall be responsible for conducting fire drills.

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Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

The purpose of this policy it to provide guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active resistance - A subject attempts to attack or does attack an officer; exhibits aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks or any instrument that may be perceived as a weapon such as knife or stick); or exhibits defensive resistance (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp). Verbal statements, bracing or tensing alone do not constitute active resistance.

Anatomical Compliance Technique - The act of applying pressure to vulnerable areas, weak points or pressure points of the body. This technique is used to cause the immediate response by a subject who poses a threat.

Apprehension - The arrest, capture or taking into custody of a person.

Arrest - The taking of one person into custody by another. To constitute arrest there must be an actual restraint of the person. The restraint may be imposed by force or may result from the submission of the person arrested to the custody of the one arresting him. An arrest is a restraint of greater scope or duration than an investigatory stop or detention. An arrest is lawful when supported by probable cause.

Canine apprehension - Any event involving canine deployment wherein the canine has a clear and well-documented role in the capture of a person. The mere presence of a canine at the scene of an arrest shall not count as a canine apprehension.

Canine deployment - Any situation, except one involving an on-leash article search only, in which a canine is brought to the scene and used in an attempt to locate or apprehend a suspect, whether or not a suspect actually is located or apprehended.

Critical firearm discharge - A discharge of a firearm by an NOPD officer, including discharges where no person or animal is struck. Range and training firings, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearms discharges.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Electronic Control Weapon (E.C.W.) - A weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and overrides the subject's voluntary motor responses

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E.C.W. application - The contact and delivery of electrical impulse to a subject with an E.C.W.

Force statement - A written statement documenting a use of force which shall include the following:

- A detailed account of the incident from the officer's perspective
- The reason for the initial police presence
- A specific description of the acts that led to the use of force
- The level of resistance encountered
- A description of every type of force used

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Force Investigation Team (FIT) - The NOPD unit tasked with conducting investigations of serious uses of force; uses of force indicating apparent criminal conduct by an officer; uses of force by NOPD personnel of a rank higher than sergeant; and uses of force reassigned to FIT by the Superintendent, the Superintendent's designee, or PIB. Fit shall also investigate all instances where an individual has died while in, or as an apparent result of being in the custody of NOPD.

In-custody death - An incident where an individual died while in, or as an apparent result of being in, the custody of NOPD.

Lethal force - The use of force likely to cause death or serious physical injury, (e.g., the use of a firearm, neck hold or strike to the head, neck or throat with a hard object).

Neck hold - Any of the following types of holds:

- Arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck
- Carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck
- Lateral vascular neck constraint
- A hold with a knee or other object to the back of a prone subject's neck.

A neck hold shall be considered lethal force.

Passive resistance - Behavior that is unresponsive to police verbal communication or direction (e.g., ignoring or disregarding police attempts at verbal communication or control; going limp; or failing to physically respond or move) and verbal resistance (e.g., verbally rejecting police verbal communication or direction; telling the officer that he or she will not comply with police direction, to leave alone, or not bother him or her). Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance.

Public Integrity Bureau (PIB) - The NOPD unit charged with conducting internal and administrative investigations of NOPD officers and employees.

Reasonable force - Force that is objectively reasonable under the circumstances and the minimum amount of force necessary to effect an arrest or protect the officer or other person.

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Reportable use of force - Any force above hand control or escort techniques applied for the purposes of handcuffing, or escort techniques that are not used as pressure point compliance techniques, do not result in injury or complaint of injury and are not used to overcome resistance.

Serious physical injury - Physical injury that creates a substantial risk of death; causes death or serious and protracted disfigurement; or causes impairment of the function of any bodily organ or limb.

Serious use of force - Includes the following:

- All uses of lethal force by an NOPD officer
- All critical firearm discharges by an NOPD officer
- All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization
- All neck holds
- All uses of force by an NOPD officer resulting in a loss of consciousness
- All canine bites
- More than two applications of an E.C.W. on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or E.C.W. application for longer than 15 seconds, whether continuous or consecutive
- Any strike, blow, kick, E.C.W. application or similar use of force against a handcuffed subject

Supervisor - A sworn NOPD employee at the rank of sergeant or above (or anyone acting in those capacities) and non-sworn NOPD personnel with oversight responsibility for other officers.

Use of force - Physical effort to compel compliance by an unwilling subject above un-resisted handcuffing, including pointing a firearm at a person.

Use of force indicating apparent criminal conduct by an officer - Force that a reasonable and trained supervisor would conclude could result in criminal charges due to the apparent circumstances of the use of force, such as the level of the force used as compared to the resistance encountered, or discrepancies in the use of force as described by the officer and the use of force as evidenced by any resulting injuries, witness statements, or other evidence.

Use of force report - A written report documenting a supervisor's investigation of a use of force.

Use of force statement - Officer's written report documenting his/her use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Officers must meet training, and certification requirements to be permitted to carry and use authorized weapons.

Officers shall not use or possess Oleoresin capsicum spray while on-duty, including officers working secondary employment.

As part of the documentation of its activities, the SWAT team shall produce Use of Force reports.

300.3 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use any use of force incident shall promptly report these observations to a supervisor, and officers observing a level 2, 3 or 4 use of force shall write a Force Statement before the end of shift, which shall be included in the Use of Force Report.

300.4 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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300.4.1 USE OF FORCE TO EFFECT AN ARREST

An officer making a lawful arrest may use reasonable force to effect the arrest and detention, and to overcome any resistance or threatened resistance of the person being arrested or detained (C. Cr. P. 220).

300.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers versus subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to citizens, officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Any other exigent circumstances.

300.4.3 ANATOMICAL COMPLIANCE TECHNIQUES

Anatomical compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those anatomical compliance techniques for which they have successfully completed department-approved training.

Officers utilizing any anatomical compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any anatomical compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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300.5 DEADLY FORCE APPLICATIONS

An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers shall not discharge a firearm from a moving vehicle or at a moving vehicle unless the occupants of the vehicle are using deadly force, other than the vehicle itself, against the officer or another person, and such action is necessary for self defense or to protect the other person; shall not intentionally place themselves in the path of, or reach inside, a moving vehicle; and, where possible, shall attempt to move out of the path of a moving vehicle before discharging their weapon. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.6 ADDITIONAL USE OF FORCE CONSIDERATIONS

300.6.1 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

300.6.2 DANGEROUS ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

300.7 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

Use of force reports, including force statements, shall be maintained centrally by PIB.

300.7.1 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall notify the dispatcher and his/her supervisor immediately or as soon as circumstances permit. If the discharge is a level-4 use of force, the Force Investigation Team shall be notified via the Command Desk and additional officer statements and reports shall be made in accordance with the Force Investigation Team/Officer-Involved Shooting Policy.

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300.7.2 NOTIFICATION TO SUPERVISORS

Officers who use or observe force shall notify their supervisors immediately following any use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any officer. Officers who use or observe force and fail to report it shall be subject to disciplinary action, up to and including termination.

300.8 MEDICAL ATTENTION

Medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by emergency medical personnel. If any such individual refuses medical attention, such a refusal should be fully documented by medical personnel and attached to related reports. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

Officers shall ensure any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.9 SUPERVISOR RESPONSIBILITIES

A supervisor shall respond to an incident in which there has been a reported application of force. The supervisor shall:

(a) Obtain the basic facts from the involved officer. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should also be retained until all potential civil litigation has expired.

(e) Identify and interview any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

Supervisors shall be responsible for notifying Command Desk of all use of force occurrences as soon as possible.

300.9.1 PLATOON COMMANDER RESPONSIBILITY

The Platoon Commander shall review each use of force by any personnel within his/her command and forward the review as appropriate.

300.10 GENERAL

Annually, the NOPD will analyze the year's use of force data and document its findings in a public report which includes:

(a) Force related outcome data

(b) Determination of significant trends

(c) Identification of deficiencies

(d) Recommendations to correct deficiencies

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the New Orleans Police Department to review all serious uses of force and other Force Investigation Team investigations.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of force.

302.1.1 DEFINITIONS

Definitions related to this policy include:

Critical firearm discharge - A discharge of a firearm by an NOPD officer, including discharges where no person or animal is struck. Range and training firings, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearms discharges.

Serious Use of Force - Includes:

(a) All uses of lethal force by an NOPD Officer

(b) All critical firearm discharges by an NOPD officer

(c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization

(d) All neck holds

(e) All uses of force by an NOPD officer resulting in a loss of consciousness

(f) All canine bites

(g) More than two applications of an E.C.W. on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or E.C.W. application for longer than 15 seconds, whether continuous or consecutive

(h) Any strike, blow, kick, E.C.W. application or similar use of force against a handcuffed subject.

Force Investigation Team (FIT) - Conducts investigations of serious uses of force, uses of force indicating apparent criminal conduct by an officer, uses of force by NOPD personnel of a rank higher than sergeant, or uses of force reassigned to FIT by the Superintendent or his designee or PIB. FIT also shall investigate all instances where an individual has died while in, or as an apparent result of being in, the custody of NOPD.

Lethal force - Any use of force likely to cause death or serious physical injury, (e.g., the use of a firearm, neck hold or strike to the head, neck or throat with a hard object).

302.2 POLICY

The New Orleans Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

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302.3 REVIEW BOARD

The Use of Force Review Board (UFRB) consists of the following personnel:

- The Deputy Superintendent of Field Operations Bureau (FOB) who will act as the board chairman.
- The Deputy Superintendent of Investigations and Support Bureau (ISB)
- The Deputy Superintendent of the Public Integrity Bureau (PIB)
- The Deputy Superintendent of the Management Services Bureau (MSB)
- The Commander of the Education and Training Division

302.3.1 PROCEDURAL REVIEW REQUIREMENTS

The Superintendent will determine whether the UFRB should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, and the decision not to file criminal charges or any other action.

The UFRB tasks shall be to:

(a) Review all serious uses of force and other FIT investigations.

(b) Conduct timely, comprehensive and reliable reviews.

(c) Meet as necessary as determined by the PIB Deputy Superintendent.

302.3.2 RESPONSIBILITIES OF THE BOARD

The UFRB responsibilities are to:

(a) Review each FIT investigation within 30 days of receiving the FIT investigation report to ensure that it is complete and that the findings are supported by a preponderance of the evidence.

(b) Hear the case presentation from the lead investigator and discuss the case as necessary with the investigator to gain a full understanding of the facts of the incident. The officer(s) who used the force subject to investigation, or who are otherwise the subject(s) of the FIT investigation, shall not be present.

(c) Order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings. Where the findings are not supported by a preponderance of the evidence, the UFRB shall document the reasons for this determination, which shall be included as an addendum to the original investigation, including the specific evidence or analysis supporting their conclusions.

(d) Determine whether the force violated NOPD policy. If the force violated NOPD policy, the UFRB shall refer it to PIB for disciplinary action.

(e) Determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate unit within NOPD to ensure they are resolved.

(f) Direct District supervisors to take and document non-disciplinary corrective action to enable or encourage an officer to improve his/ her performance.

(g) Document its findings and recommendations in a UFRB Report within 45 days of receiving the FIT investigation and within 15 days of the UFRB case presentation.

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for handcuffing and otherwise restraining subjects during detentions and arrests.

306.2 POLICY

The New Orleans Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed department-approved training in the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any of the restraint equipment described in this policy, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonable to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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306.3.3 RESTRAINT OF JUVENILES

A juvenile under 10 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, escape, injure him/herself, injure the officer or damage property.

306.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of any restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR FLEX CUFFS

Handcuffs, including flex cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk, every person should be handcuffed regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person. When feasible, and prior to the subject being placed in the police unit, handcuffs shall be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple flex cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during longterm restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.6 APPLICATION OF LEG RESTRAINT DEVICES

An officer may use leg restraints to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

306.6.1 ADDITIONAL LEG RESTRAINT CONSIDERATIONS

In determining whether to use the leg restraint, officers should consider:

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(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.6.2 GUIDELINES FOR THE USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by the medical personnel. The transporting officer should describe to medical personnel any behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.7 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent the New Orleans Police Department authorizes officers to use control devices in accordance with the guidelines in this policy, the Use of Force Policy, State and local laws.

308.3 ISSUANCE, MAINTENANCE AND CARRYING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the New Orleans Police Department and/or approved by the Superintendent of Police or the authorized designee.

Only officers who have successfully completed Department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to restrain or arrest a subject who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances.

308.3.1 ACADEMY RESPONSIBILITIES

The Academy shall manage the control device inventory and issue PR24 batons.

308.3.2 ACADEMY INSTRUCTOR RESPONSIBILITIES

Every baton will be periodically inspected by Academy personnel or the designated instructor for a particular control device and the inspection shall be documented.

Damaged batons returned to the Academy shall be properly disposed of, repaired or replaced.

308.3.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

All damaged PR24 batons shall be returned to the Academy. Damage to city property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of the damage.

308.4 BATON (IMPACT WEAPON) GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

A head strike with the baton is prohibited except where lethal force is authorized.

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When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.4.1 STANDARD CONTROL HOLDS

Standard control holds include:

(a) Strong Side or Support Side Escort Position or Two-on-One Escort Position (Monadnock Defensive Tactics or S.S.G.T)

(b) Hollow Behind The Ear Pressure Point to Escort Position or Brachial Pressure Point to Escort Position (S.S.G.T.)

(c) Rear Wrist Lock to Escort Position (Monadnock Defensive Tactics)

(d) PR-24 or Expandable Baton Strong Side or Support Side Arm lock to an Escort Position (Monadnock Defensive Tactics)

308.5 TRAINING COORDINATOR

The Training Coordinator shall ensure that all department personnel who are authorized to carry a control device have been properly trained and certified to carry any specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified control device, weapons or tactics instructor.

(b) Retraining for all other control devices should occur every two years at a minimum.

(c) All training and proficiency for control devices will be documented in the officer's training file.

(d) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.6 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed within this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Electronic Control Weapons

309.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance, carrying and use of electronic control weapons (E.C.W.s).

309.2 POLICY
Officers shall use ECWs only when such force is necessary to protect the officer, the subject, or another party from physical harm, and other less intrusive means would be ineffective. Officers shall be authorized to use ECWs to control a violent suspect when attempts to subdue the suspect by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the suspect within contact range.

E.C.W.s are intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of an E.C.W. should result in fewer serious injuries to officers and suspects.

The New Orleans Police Department authorizes members who have been issued an E.C.W. or are authorized to carry a personal E.C.W. to use the device consistent with this policy and the Use of Force Policy.

Members are authorized to carry a personally owned E.C.W. only after the member's E.C.W. has been inspected and approved by the Academy Commander.

Use contrary to this policy may result in revocation of the officer's authorization to carry an E.C.W. and subject the officer to discipline.

309.3 ISSUANCE AND CARRYING ELECTRONIC CONTROL WEAPONS
Only members who have successfully completed department-approved training may be issued and carry an E.C.W. (R.S. 40:2405.6).

Officers shall only use the E.C.W. cartridges issued by the Department. If exigent circumstances exist where a cartridge is used by someone other than the assigned officer, the assigned officer, the deploying officer and the supervisor on the scene are subject to the reporting requirements.

Uniformed officers shall wear the E.C.W. in an approved holster on their person.

Members carrying an E.C.W. shall perform a spark test on the unit prior to every shift and check its power supply.

Whenever practicable, officers shall carry both E.C.W. cartridges on their person when carrying an E.C.W.

Officers shall be responsible for ensuring that their E.C.W. is properly maintained and in good working order.

Officers shall not hold both a firearm and the E.C.W. at the same time.

309.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of an E.C.W. should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to provide the individual with a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the E.C.W. may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the E.C.W.), or the laser in a further attempt to gain compliance prior to the application of the E.C.W. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the officer deploying the E.C.W. in the related report. Whether compliance was gained by display, arcing or laser painting without discharge should also be noted.

309.5 USE OF AN ELECTRONIC CONTROL WEAPON
An E.C.W. has limitations and restrictions requiring consideration before its use. An E.C.W. should only be used when its operator can safely approach the subject within the operational range of the E.C.W. Although an E.C.W. is generally effective in controlling most individuals, officers should be aware that it may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF AN ELECTRONIC CONTROL WEAPON
Authorized personnel may use an E.C.W. when circumstances perceived by them at the time indicate that such application is reasonably necessary to control a person in any of the following circumstances:

(a) The subject is violent or physically resisting.
(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of an E.C.W. to apprehend an individual.

The E.C.W. shall not be used to psychologically torment, elicit statements or to punish any individual.

Prior to deploying an E.C.W., an officer shall visually and physically confirm the tool selected is in fact an E.C.W. and not a firearm.

ECWs shall not be used in drive-stun mode as a pain compliance technique. ECWs shall be used in drive-stun mode only to supplement the probe-mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject, so that officers can consider another force option.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS
E.C.W.s shall not be used on certain individuals, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury. Officers shall determine the reasonableness of ECW use based

upon all the circumstances, including the subject's age, size, physical condition, and the feasibility of lesser force options. The individuals include:

(a) Visibly pregnant women.
(b) Elderly persons.
(c) Visibly frail persons.
(d) Young children.
(e) Individuals with obviously low body mass.
(f) Individuals who are handcuffed or otherwise restrained, unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and if lesser attempts at control have been ineffective.
(g) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol based OC spray.
(h) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
(i) Individuals in circumstances where a water rescue would likely be required (e.g. a person on a boat in open water).

309.5.3 TARGETING CONSIDERATIONS
ECWs may not be applied to a subject's head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the E.C.W. probes to a precise target area, officers shall take prompt and ongoing care to monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE ELECTRONIC CONTROL WEAPON
After one standard ECW cycle (5 seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary. Multiple applications of the E.C.W. and exposure to the ECW for longer than 15 seconds, against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications. Prolonged or repeated ECW exposure, whether due to multiple applications or continuous cycling, may increase the risk of death or serious injury.

If the first application of the E.C.W. appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications, including:

(a) Whether the probes are making proper contact.
(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
(c) Whether verbal commands, other options or tactics may be more effective.

Only one E.C.W. at a time may be used on a subject, intentionally, *except where lethal force would be permitted.*

Officers shall independently justify each cycle used against a subject in written Force Statements.

309.5.5 DANGEROUS ANIMALS
An E.C.W. may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, when alternative methods are not reasonably available or would likely be ineffective and the animal:

(a) Reasonably appears to pose an imminent threat to the safety of a human or another animal, or
(b) Has threatened or attacked a human or another animal.

309.5.6 THE TASER® CAM™
The TASER® is equipped with a TASER® CAM™, which is an audio-video recording device integrated into the power supply. The TASER CAM is activated any time the safety is in the off position. The safety should not be in the off position unless the officer intends to use the E.C.W. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department's records retention schedule.

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry a department-owned E.C.W. while off-duty. Officers shall ensure that all E.C.W.s are secured while in their homes, vehicles or any other area under their control in a manner that will keep the E.C.W. inaccessible to others.

309.6 DOCUMENTATION
Officers shall document all E.C.W. discharges in the related arrest/crime report and the E.C.W. report form.

Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

Accidental and intentional discharges, pointing the E.C.W. at a person, laser activation and arcing of the E.C.W. will also be documented on the E.C.W. report form.

The Department should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The department should also conduct audits of data downloads and reconcile E.C.W. report forms with recorded activations. E.C.W. information and statistics, with identifying information removed, should periodically be made available to the public.

309.7 ACTIONS FOLLOWING DEPLOYMENT
Following deployment, immediate action should be taken to secure the suspect, provide necessary medical care for any injuries sustained and protect the scene.

As soon as practicable, a Communications Dispatcher shall be notified of the E.C.W. discharge and the officer shall request a ranking supervisor respond to the scene.

The cartridge serial number should be noted and documented. All probes should be treated as a biohazard if the probes penetrated the subject's skin, and should be disposed of according to procedure and training.

Officers should attempt to locate and identify witnesses to the incident.

Officers should refrain from discussing the incident until the arrival of an on-scene supervisor. Officers will brief the on-scene supervisor of the circumstances surrounding the incident and what actions were taken.

309.8 MEDICAL TREATMENT
Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove E.C.W. probes from sensitive areas of a person's body. All XREP™ shotgun probes shall be removed by hospital staff only at the hospital.

Trained officers may remove all other probes. Used E.C.W. probes shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken.

All persons who have been struck by E.C.W. probes or who have been subjected to the electric discharge of the E.C.W. shall be transported to a hospital for medical attention prior to booking.

Any individual who received ECW application while in police custody shall be monitored.

The transporting officer shall inform any person providing medical care and receiving custody that the individual has been subjected to the application of an E.C.W.

309.9 SUPERVISOR RESPONSIBILITIES
When possible, supervisors should respond to calls when they reasonably believe there is a likelihood of the use of an E.C.W. A supervisor shall respond to all incidents where an E.C.W. was activated.

A supervisor shall review each activation. The onboard E.C.W. memory shall be downloaded and stored by Academy staff. Probe sites shall be documented.

An on-scene supervisor shall notify the Public Integrity Bureau, the District/Division Commander and request crime lab response if any serious bodily injury has resulted due to the use of force involving an E.C.W.

309.10 PUBLIC INTEGRITY BUREAU RESPONSIBILITIES
The Public Integrity Bureau shall respond to all E.C.W. deployment scenes involving serious bodily injury and handle in accordance with established Force Investigation Team protocols.

An investigator from the Public Integrity Bureau will perform an administrative review of all E.C.W. uses.

309.11 TRAINING ACADEMY
Officers should ensure that their E.C.W. is sent to the Training Academy pursuant to Training Academy procedures, if it malfunctions.

309.11.1 TRAINING
All officers shall be certified by the Training Academy.

All members who carry and/or use an E.C.W. must first successfully complete the NOPD eight hour E.C.W. certification program, to include written and practical skills.

Officers shall be trained in the increased risks that ECWs may present to the above-listed vulnerable individuals.

Officers shall be trained in and follow protocols developed by NOPD, in conjunction with medical professionals, on their responsibilities following ECW use, including:

(a) The removal of ECW probes, including requiring medical or specially trained NOPD personnel to remove probes that are embedded in a subject's skin, except for probes that are embedded in a subject's head, throat, groin, or other sensitive area, which should be removed by medical personnel only;
(b) The risk of positional asphyxia, and training officers to use a restraint technique that does not impair the subject's respiration following an ECW application;
(c) The transportation to a hospital for evaluation of all subjects who: have been exposed to prolonged application (more than 15 seconds); are a member of one of the vulnerable populations listed above; or had an ECW used against them in circumstances presenting a heightened risk of harm, such as subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium; or were kept in prone restraint after ECW use; and
(d) The monitoring of all subjects who have received ECW application while in police custody.

Officers shall receive a mandatory eight hours annual ECW recertification, which should consist of physical competency; weapon retention; NOPD policy, including any policy changes; technology changes; and scenario-based training by Training Academy Personnel.

A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for E.C.W.s will be documented in the officer's training file.

Command staff, supervisors and investigators shall receive E.C.W. training as appropriate for the investigations they conduct and review.

Officers who do not carry an E.C.W. shall receive training that is sufficient to familiarize them with the E.C.W. and with working with officers who use the E.C.W.

The Training Manager shall ensure that all members who carry an E.C.W. have received initial and annual proficiency training. Periodic audits shall be used for verification.

Application of an E.C.W. during training is optional for certification.

The Training Manager shall ensure that all training includes:

- A review of this policy.
- A review of the Use of Force Policy.
- Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
- Handcuffing a subject during the application of an E.C.W. and transitioning to other force options.
- De-escalation techniques.

- Restraint techniques that do not impair respiration following the application of an E.C.W.

Force Investigative Team/Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

The purpose of this policy is to set standards for reporting, investigating, reviewing and managing use of force incidents involving department personnel.The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Case Manager - The Case Manager is the Force Investigation Team (FIT) supervisor over the lead investigator and the overall case investigation.

Critical firearm discharge - A discharge of a firearm by an officer, including discharges where no person or animal is struck. Range and training firings, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearms discharges.

Electronic Control Weapon (E.C.W.) - A weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and overrides the subject's voluntary motor responses.

E.C.W. application - The contact and delivery of electrical impulse to a subject with an E.C.W.

Force Investigation Team (FIT) - The department unit tasked with conducting investigations of serious uses of force; uses of force indicating apparent criminal conduct by an officer; uses of force by department personnel of a rank higher than sergeant; and uses of force reassigned to FIT by the Superintendent, the Superintendent's designee, or PIB. Fit shall also investigate all instances where an individual has died while in, or as an apparent result of being in the custody of the department.

Force statement - A written statement documenting a use of force.

In-custody death – Incident where an individual died while in, or as an apparent result of being in, the custody of the department.

Involved officer (IO) - The officer demonstrating force.

Lead investigator - Person conducting the investigation.

Lethal force - Use of force likely to cause death or serious physical injury, (e.g., the use of a firearm, neck hold, or strike to the head, neck, or throat with a hard object).

Level four (4) use of force - Serious use of force including, but not limited to: lethal force, serious physical injury; firearm discharge, etc.

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Neck hold - One of the following types of holds:

(a) Arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck

(b) Carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck

(c) A lateral vascular neck constraint

(d) A hold with a knee or other object to the back of a prone subject's neck. A neck hold shall be considered lethal force

Public safety statement - A statement obtained that is the exception to *Miranda* where the public's safety is in question.

Serious physical injury - Physical injury that creates a substantial risk of death; causes death or serious and protracted disfigurement; or causes impairment of the function of any bodily organ or limb.

Serious use of force - Includes the following:

(a) All uses of lethal force by an officer

(b) All critical firearm discharges by an officer

(c) All uses of force by an officer resulting in serious physical injury or requiring hospitalization

(d) All neck holds

(e) All uses of force by an officer resulting in a loss of consciousness

(f) All canine bites

(g) More than two applications of an E.C.W. on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or E.C.W. application for longer than 15 seconds, whether continuous or consecutive

(h) Any strike, blow, kick, E.C.W. application or similar use of force against a handcuffed subject.

Supervisor - A sworn department employee at the rank of sergeant or above (or anyone acting in those capacities) and non-sworn department personnel with oversight responsibility for other officers.

Use of force - Physical effort to compel compliance by an unwilling subject above handcuffing, including pointing a firearm at a person. A reportable use of force is any force above hand control or escort techniques applied for the purposes of handcuffing, or escort techniques that are not used as pressure point compliance techniques, do not result in injury or complaint of injury, and are not used to overcome resistance.

Use of force indicating apparent criminal conduct by an officer - Force that a reasonable and trained supervisor would conclude could result in criminal charges due to the apparent circumstances of the use of force, such as the level of the force used as compared to the resistance encountered, or discrepancies in the use of force as described by the officer and the use of force as evidenced by any resulting injuries, witness statements, or other evidence.

Use of force report - A written report documenting a supervisor's investigation of a use of force.

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Witness involved officer (WIO) - Officers who witness the use of force.

310.2 TYPES OF INVESTIGATIONS

The Force Investigative Team is divided into two sections:

- Criminal Section
- Administrative Section

Information obtained through a criminal investigation can be shared with administrative investigators and made part of the administrative investigation.

Information obtained as a result of an administrative investigation shall not be shared with criminal investigators and therefore cannot be made part of the criminal investigation.

If the case may proceed criminally, or where the department requests a criminal prosecution, any compelled interview of the subject officers shall be delayed. No other part of the investigation shall be held in abeyance unless specifically authorized by the Superintendent in consultation with the agency conducting the criminal investigation.

FIT shall be comprised of personnel who are specially trained in both criminal and administrative force investigations. Members of FIT shall be assigned to PIB and shall not be assigned to any district. FIT investigations may result in criminal charges, administrative action or both.

310.2.1 FIT - CRIMINAL SECTION

Investigators assigned to the FIT - Criminal Section shall be responsible for conducting investigations that are criminal in nature and focus on both the officer(s) and the suspect(s). The results of the investigation could result in the prosecution of the officer(s), as well as the suspect(s).

The Department may, however, relinquish its criminal investigation to an outside agency or may request that the criminal investigation be conducted by an outside agency with the approval of the Superintendent of Police, or his designee.

310.2.2 ADMINISTRATIVE SECTION

Investigators assigned to the FIT - Administrative Section shall conduct investigations that determine whether or not a member of the department violated the Rules, Policies, and Procedures of the department. The results of the investigation could potentially result in disciplinary actions against the officer(s).

Information obtained via the investigation could also be used for training purposes.

310.3 NOTIFICATIONS

In every incident involving a serious use of force, uses of force indicating apparent criminal conduct by an officer, uses of force by department personnel of a rank higher than sergeant, and all instances of in custody deaths, the supervisor shall immediately notify the Command Desk which will in turn immediately notify FIT.

FIT shall respond to the scene of every incident involving a serious use of force, any use of force indicating apparent criminal conduct by an officer, any use of force by an officer of a rank higher than sergeant, and any in custody deaths, or as ordered by the Superintendent or his designee or PIB.

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The Commander of PIB shall immediately notify and consult with the City Attorney, District Attorney, Independent Police Monitor, FBI, and the U. S. Attorney's Office regarding any use of force indicating apparent criminal conduct by an officer, evidence of apparent criminal conduct by an officer discovered during a misconduct investigation, any use of force in which an officer discharged his firearm, or where an individual has died while in, or as an apparent result of being in, the custody of the Department.

310.4 DISTRICT ATTORNEY NOTIFICATION

If the incident results in an apprehension of a suspect, the FIT investigator shall submit a complete supplemental report to the Orleans Parish District Attorney's Office within twenty-one days of the apprehension. If the suspect is hospitalized as a result of force used by an officer, the twenty-one day time frame begins at the time of booking.

Upon receipt of any scientific testing results, the results shall be submitted to the District Attorney's office via supplemental report.

If an incident results in the death of a suspect, the FIT investigator shall complete his/her supplemental report within forty-five days of the incident.

310.5 INVESTIGATION

The lead FIT investigator, or his/her designee, shall complete a detailed crime scene description. The crime scene description shall contain:

(a) Location of occurrence (address, residential or commercial area, outdoor or indoor, description of area)

(b) Weather conditions

(c) Lighting conditions

(d) Physical evidence

(e) Position of evidence (north, south, east or west of a fixed object)

(f) Decedent (race, gender, height, weight, hairstyle, facial hair, clothing, tattoos and jewelry)

(g) Position of decedent

(h) Any and all injuries or wounds, if known

(i) Weapon(s) (make, model, serial number and color)

(j) Ammunition (caliber and make)

(k) Measurements

Subsequent scenes shall be documented in the same manner as described above.

The lead investigator, or case manager, shall be responsible for directing the Scientific Criminal Investigative Section (Crime Lab) to:

- Photograph all evidence
- Complete measurements and a sketch of the crime scene
- Collect and package evidence on the crime scene

The department's Homicide Section shall not investigate any officer-involved serious use of force or any in-custody death.

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310.6 ORLEANS PARISH CORONER'S OFFICE

In all homicide investigations, a post mortem examination (autopsy) shall be conducted by the Orleans Parish Coroner's office. The assigned FIT investigator, or his/her designee, shall attend the scheduled examination for the purpose of viewing any and all wounds that were not visible on the original crime scene such as:

(a) Trauma to the body;

(b) Establishing entrance and exit wounds;

(c) Trajectory of each of the wounds;

(d) Gun powder residue on or about the body (to assist in the determination of distance of the decedent); and

(e) The cause of death, if unknown at the time.

The information gathered from the scene, as well as the evidence located when presented to the medical examiner may assist in determining the decedent's actions prior to his death.

The assigned FIT investigator shall also collect any and all evidence, such as clothing, fingernail scrapings, hair samples, blood samples and recovered ballistic (bullets) evidence and place it on the evidence books at Central Evidence and Property.

A department Crime Scene Technician shall be summoned to the post mortem examination at the Orleans Parish Coroner's Office for the purpose of obtaining photographs of each and every wound while in a controlled environment.

Upon completion of the post mortem examination, the coroner's office shall document the results in a Provisional Anatomical Diagnosis which shall be made part of the case file.

Investigators shall work with the Orleans Parish Coroner's Office in completing a Coroner's Report within 30 days regarding a death proximate to a use of force and with the District Attorney or other investigating agency regarding any criminal declination within 60 days after the use of force.

310.7 PUBLIC STATEMENTS/MEDIA RELEASE

A single media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. This release will be available to the Commander of the Force Investigative Team or Lead Investigator, Platoon Commander, and Public Information Officer in the event of inquiries from the media.

It is the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Superintendent or a Deputy Superintendent (La. R.S. 40:2532).

Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.8 INVOLVED OFFICERS

Once the involved officer(s) have been sequestered, the Platoon Supervisor should notify each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer (La. R.S. 40:2531):

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(a) Any request for legal or officer representation (e.g., employee association) shall be accommodated.

(b) While discussions with licensed attorneys will be considered privileged as attorney-client communications, no involved officer shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report.

(c) Discussions with officer representatives (e.g., employee association) will be privileged only as to the discussion of noncriminal information. However, no involved officer shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report.

(d) A psychologist or other psychotherapist shall be provided by the Department to each involved officer or any officer upon request.

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.

2. If an interview or session with a licensed psychotherapist takes place prior to the involved officer providing a formal interview or report, the involved officer shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as trace evidence i.e., DNA, blood or fingerprints) until it can be properly retrieved by lab personnel or investigators.

Investigators shall make reasonable accommodations to the officer's physical and emotional needs.

310.9 AUTO ACCIDENTS AND OFFICER INVOLVED SHOOTINGS

When automobile accidents involving a suspect vehicle and other civilian vehicles occur during the course of a Use of Force Incident (pursuit), members of the district of occurrence shall complete an official crash report supplied by the Department of Motor Vehicles. Such reports shall be made a part of the FIT Supplemental Incident Report as an attachment.

If an officer involved in the pursuit or any part of the incident which involves an automobile accident while driving a department vehicle, the on duty/on call traffic section unit shall conduct an investigation and complete a crash report supplied by the Louisiana Department of Motor Vehicles. This report shall be made part of the FIT Supplement Incident Report as an attachment.

If the automobile collision results in a fatality, members of the Fatality Section shall investigate that portion of the incident and complete an incident report. This report shall be made part of the FIT Supplemental Incident Report as an attachment.

310.10 DOCUMENTATION

FIT members shall be responsible for the completion of an official NOPD incident report, as well as other reports as specified in Procedure 310.

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310.11 RECORDS AND DATA

It shall be the responsibility of FIT to maintain all files and records on any and all incidents investigated. Because the FIT is divided into two investigative sections, Administrative Section and Criminal Section, cases investigated by each shall be maintained and filed by each of the investigative groups.

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In-Custody Deaths

311.1 PURPOSE AND SCOPE

The following policy shall establish guidelines to be followed in the event a person dies while in police custody.

311.2 OFFICER'S RESPONSIBILITIES

If an officer believes someone in his/her custody is seriously injured, dying or has died, he/she shall:

(a) Notify the Command Desk Supervisor, request an E.M.S. unit be dispatched to the scene and preserve the scene.

(b) Notify his/her immediate supervisor.

311.3 COMMAND DESK RESPONSIBILITIES

The Command Desk will make notifications as specified in the Use of Force Policy and Procedure 300 (specifically PR300.6.1), the Force Investigation Team Policy and PR310).

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Firearms

312.1 PURPOSE AND SCOPE

The intent of this policy is to promote proper firearm safety. Employees shall maintain the highest level of safety when handling firearms. This policy also establishes procedures for the acquisition, use, maintenance, and documentation of training in the use of duty firearms. The Superintendent of Police or his/her authorized designee shall approve all duty firearms before they are acquired and utilized by any officer of this department.

The New Orleans Police Department (NOPD) will equip its officers with firearms to address risks posed to the public and our members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate, in good working order, and that relevant training is provided as resources allow.

The Special Operations Division and other units that require special weapons may have specialized policies as authorized by the Superintendent of Police.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Administrative personnel - For the purposes of this policy, administrative personnel are any officers who are performing duties of an administrative nature that are not reassigned from their primary duties for investigative purposes. Administrative personnel within this policy must be designated in advance by their respective Bureau Chief.

Critical firearm discharge - A discharge of a firearm by a NOPD officer, including discharges where no person or animal is struck. Range and training firings, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearms discharges.

Duty handgun - The primary authorized sidearm carried while on-duty by NOPD officers. Duty handgun shall be inclusive with duty firearm.

Duty shotgun - An authorized weapon designed to be fired from the shoulder, which chambers a 12 gauge cartridge. No personally owned shotguns may be carried for patrol duty unless pre-approved in writing by the current Superintendent of Police.

Patrol rifle - An authorized weapon owned by the Department, which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the current Superintendent of Police.

Rangemaster - Any Louisiana Peace Officer Standards and Training Commission (POST) certified Firearms Instructor or Range Safety Officer designated by the Academy Range Commander to serve as the officer in charge of the current activities on any firing range location. When present on the range, the Academy Range Commander does not automatically assume this role, and may delegate the duties.

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312.2 POLICY

Only authorized personnel who have met all state and POST requirements and have been commissioned by the Superintendent of Police shall have the peace officer privilege to carry a firearm both on-duty and off-duty (La. R.S. 40:2405).

Critical firearms discharges by officers on or off-duty shall be reported and investigated (Refer to the Force Investigation Team Policy and Procedure).

312.3 AUTHORIZED FIREARMS

No duty firearms will be carried that have not been thoroughly inspected by any designated member of the Academy Range Staff or Special Operations Division during a scheduled time of inspection. Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by an officer who has not qualified with that firearm at an authorized Department range.

312.3.1 DUTY HANDGUNS

The primary authorized department-issued handgun is the Glock Model 22. Command Staff (rank of Captain or above) may elect to receive a department-issued Glock Model 23 or Model 27 in lieu of a Model 22 when those weapons are available.

Command staff (rank of Captain or above) personnel are authorized to carry the Glock model 27 handgun.

Personnel performing duties while authorized to be attired in plain clothes are authorized to carry the Glock model 27 handgun.

Administrative personnel are authorized to carry the Glock model 27 handgun when performing administrative duties. However, personnel below the rank of Captain are not authorized to carry a Glock model 27 handgun as their duty firearm when working an authorized secondary employment assignment or when attired with a duty gun belt.

Individuals wishing to purchase their own GLOCK Model 22 or Model 23 handgun may do so in addition to, or in lieu of, being issued a departmental weapon. However, the GLOCK Model 22 or Model 23 handgun must be equipped with the New York #1 trigger spring.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the officer's Division Commander. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.

Only issued or approved shotguns and rifles are authorized for on-duty use. Officers shall not possess or use unauthorized firearms or ammunition while on-duty.

312.3.2 OTHER WEAPONS

The Superintendent of Police may authorize certain divisions (i.e., SOD, S.W.A.T., etc.) to use weapons which are not authorized for other officers.

Only officers assigned to these specialized units, while in that assignment, may use the special weapons authorized for that unit.

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Commanding officers shall ensure that all officers assigned to specialized units are qualified in the use of weapons specifically assigned to those units.

Shotguns, rifles, or other special weapons may be issued to individual officers based upon their duties and unit of assignment. If an officer is transferred to any other unit for any reason, it is his or her responsibility to return all department issued weapons, other than their duty handgun, to the unit that issued the respective weapons within five working days. Within that five day period, the officer may request authorization to maintain assignment of these special weapons subsequent to their transfer to the new assignment.

312.3.3 AUTHORIZED SECONDARY FIREARMS

Officers desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms. The Superintendent of Police or the authorized designee shall approve all secondary firearms.

(b) Only one secondary firearm may be carried at a time.

(c) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(d) The firearm shall be carried concealed in a holster at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.

(e) The firearm shall be inspected by any designated member of the Academy Range Staff prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

(f) Ammunition shall be the same as Department issue. If the caliber of the firearm is other than Department issue, the Superintendent of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify annually in accordance with the department qualification schedule.

(h) Personnel shall provide written notice of the make, model, serial number and caliber of a secondary firearm to the Academy Range Staff.

(i) The secondary firearm will only be used when the primary weapon is not available or is inoperable.

Authorized handgun makes:

Glock, Smith & Wesson, Ruger, Colt, Beretta, Sig Sauer, Heckler & Koch, Walther, Kel-Tec, North American Arms, Browning, Kimber and Springfield

Authorized handgun calibers:

.22, .25, .32, .38, .380, .357, 9mm and .40

312.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted by the Superintendent of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty based on their authority as a peace officer will be required to meet the following guidelines:

(a) The firearm shall be of good quality from a reputable manufacturer.

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(b) The purchase of the firearm and ammunition, if other than a department-issued duty firearm, shall be the responsibility of the officer.

(c) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(d) Officers who desire to carry a handgun when off-duty are only authorized to do so after successfully completing the POST firearms qualification course conducted by a POST certified Firearms Instructor designated by the Academy Range Commander. The officer shall successfully qualify thereafter annually. The range qualification dates will be specified by the Academy Range Commander or his/her designee. It will be the responsibility of the officer to submit the firearm, if other than a department-issued duty firearm, to the Academy Range Staff for inspection prior to being carried. Thereafter the weapon shall be subject to periodic inspection by the Academy Range Staff. Prior to carrying any off-duty weapon, the officer shall demonstrate to any designated member of the Academy Range Staff that he/she is proficient in handling and firing the firearm, and demonstrates that it will be carried in a safe manner.

(e) The officer will successfully qualify with the weapon prior to it being carried and thereafter once annually. The range qualification dates will be specified by the Academy Range Commander.

(f) A complete description of the firearm shall be contained on the qualification record approved by the Academy Range Commander.

(g) If any officerr desires to use more than one firearm while off-duty, he/she may do so as long as the officer meets all the requirements set forth in this policy for each firearm used.

(h) Officers shall only carry department-authorized ammunition.

(i) When armed, whether on-duty or off-duty, officers shall carry their Department identification.

312.5 WEAPON LIGHTS, OPTICS OR LASER SIGHTS

A weapon light, optics or laser sights may only be installed on, or affixed to, a firearm carried on-duty or off-duty after the device has been approved by the Academy Range Commander.

(a) Any approved weapon light, optics or laser shall only be installed on or affixed to a firearm in strict accordance with manufacturer specifications.

(b) The officer shall demonstrate to any designated member of the Academy Range Staff that he/she is proficient in handling and firing the firearm, demonstrates that it will be carried in a safe manner, and demonstrates that the weapon light, optics or laser does not interfere with the consistent firing of the weapon.

(c) After any weapon light, optics or laser have been installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Weapon lights shall not replace the use of a flashlight for conventional uses and shall not be carried unless the officer is equipped with a traditional flashlight.

Weapon lights, optics or laser sights utilized with firearms for applications specific to duties of the Special Operations Division shall be subject to authorization by the Commander of the Special Operations Division.

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312.6 BORROWING DEPARTMENT FIREARMS

Officers may request to borrow a department firearm by submitting a written request through their commanding officer to the Commander of the Education and Training Division. After approval, the requesting officer shall bring the approved request to the Academy Range Facility, where the officer shall complete and sign the necessary forms.

Officers may only borrow firearms with which they are qualified at the time of the request. Officers who borrow department firearms shall be prohibited from altering those firearms in any manner.

Officers who borrow department firearms shall return the firearm to the Academy Range Facility within six months. Should the officer require an extension, he/she shall make and submit another written request. After approval of the extension, the officer shall hand carry the approved request to the Academy Range Facility with the borrowed firearm for an inspection.

In cases where an officer's firearm is confiscated for investigative purposes, the officer may be offered the use of a department firearm until his/her firearm is returned. The officer shall obtain authorization from his/her Division level commander.

Weapons for temporary use may be picked up from the Academy Range Facility Monday through Friday between the hours of 10:00 A.M. and 3:00 P.M. If it is necessary to issue a department firearm outside of those hours, the individual on call for the Education and Training Division shall be responsible for issuing same.

312.7 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal and a duty handgun is believed to be ineffective for the incident.

312.7.1 PATROL READY RIFLE

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training as outlined in the Weapons Training/Re-qualification Policy.

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon secured in the trunk of departmental vehicles in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it:

- Has been inspected by the assigned officer,

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- The fire selector switch is in the safe position,
- The chamber is empty, and
- A fully charged magazine is inserted into the magazine well.

If the departmental vehicle does not have a trunk, the patrol rifle shall be secured in a department approved locking mechanism or lock box.

312.8 SHOTGUNS

Officers shall not carry or utilize the shotgun unless they have successfully completed Department training as outlined in the Weapons Training/Re-qualification Policy.

Officers shall obtain permission from his/her immediate supervisor each time the officer carries a shotgun while on-duty. Approval shall not be automatic.

312.8.1 SHOTGUN DEPLOYMENT

Officers may deploy the shotgun in any circumstance where the officer can articulate a reasonable expectation that the shotgun may be needed. Examples of some general guidelines for deploying the shotgun may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of effective fire.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded person.

(e) When authorized or requested by a supervisor.

(f) When needed to euthanize an animal and a duty handgun is believed to be ineffective for the incident.

312.8.2 AUTHORIZED SHOTGUNS

- The Remington 870/870P, 12 gauge, five or eight shot, fixed choke, and pump action shotgun is an optional shoulder weapon for officers. The shotgun stocks and forend must be black matte or brown in color, and may not have any attached lasers/optics or weapon lights without prior approval from the Academy Range Commander. The barrel length shall be 18 to 22 inches in length, with the exception of department issued shotguns.
- The shotgun shall be equipped with a tactical 1 point or 3 point sling.
- Officers who purchase their own duty shotgun must demonstrate proficiency to a POST certified Firearms Instructor prior to carrying the weapon.
- Once a shell is chambered, the safety shall be on unless the shotgun is to be used immediately.
- Each officer carrying a shotgun may be required to field strip and clean a shotgun as needed.
- Each officer shall be responsible for promptly reporting any damage or malfunction of a department issued shotgun to his/her immediate supervisor. The shotgun shall be taken out of service as soon as practical for repairs. Any personally owned duty shotgun that becomes damaged or malfunctioning shall be taken out of service

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as soon as practical. Repairs for a personally owned duty shotgun shall be the responsibility of the officer.

- Each shotgun shall be subject to inspection by a supervisor, the SOD Armory Unit, or any POST certified Firearms Instructor at any time.
- No modification shall be made to any shotgun without prior written authorization from the Commander of the SOD Armory Unit or the Academy Range Commander.

312.8.3 PATROL READY SHOTGUN

A patrol ready shotgun is when the weapon:

- Has been inspected by the assigned officer,
- The magazine is full with department approved ammunition,
- The action is closed on an empty chamber,
- The firing pin released, and
- The safety on.

Officers shall obtain permission from their immediate supervisors each time he/she carries a shotgun while on-duty and approval shall not be automatic.

Any qualified officer carrying a shotgun in the field shall maintain the weapon secured in the trunk of departmental vehicles in a patrol ready condition until deployed. If the departmental vehicle does not have a trunk, the shotgun shall be secured in a department approved locking mechanism or lock box approved by the Superintendent of Police or his/her designee.

312.9 SAFETY CONSIDERATIONS

Safe handling and carry of firearms includes but is not limited to the following:

(a) Officers shall not discharge a firearm from a moving vehicle or at a moving vehicle unless the occupants of the vehicle are using deadly force, other than the vehicle itself, against the officer or another person, and such action is necessary for self defense or to protect the other person.

(b) Officers shall not intentionally place his/herself in the path of, or reach inside, a moving vehicle; and, where possible, shall attempt to move out of the path of a moving vehicle before discharging their weapon.

(c) Officers shall not draw or exhibit a firearm unless circumstances surrounding the incident create a reasonable belief that a situation may escalate to the point where lethal force would be authorized.

(d) Officers shall not unnecessarily display or handle any firearm.

(e) While at the range officers shall be governed by all rules and regulations pertaining to the use of the range, shall obey all orders issued by the Rangemaster and shall not dry fire or practice quick draws except under Rangemaster supervision.

(f) Any officer who discharges his/her firearm negligently or intentionally, on-duty or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall notify the Communications Division for the necessary investigators to be contacted in accordance with Department policy and procedures.

(g) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except in agency-designated locations, or under the directions of a supervisor or Academy Range Staff.

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(h) Shotguns or rifles removed from vehicles or equipment storage rooms shall be loaded and unloaded outside buildings and vehicles.

(i) Officers shall not place or store any firearm or other weapon on Department premises, except where the place of storage is locked. No one shall carry firearms into the jail or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location.

(j) Non-issued Department owned patrol rifles will be stored in an approved Department armory in rifle racks.

(k) At the start of each assigned shift, any qualified, on-duty officer who has been issued a patrol rifle must advise their duty supervisor of their intent to patrol with a patrol ready rifle.

(l) When off duty, patrol rifles should be secured in the officer's residence, temporary housing, or approved Department armory. When secured in the officer's residence the rifle will be stored with the bolt locked to the rear, magazine removed, and fire selector switch on safe. The use of a gun lock is recommended.

(m) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon (from the SOD Armory Unit), except with approval of a Special Operations Division supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

(n) Any firearm authorized by the Department to be carried on-duty or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the Academy Range Staff for inspection. Any firearm determined to be in need of service or repair during an inspection by the Academy Range Staff will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is rendered serviceable.

312.9.1 STORAGE OR TRANSPORTATION OF FIREARMS ON-DUTY

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep the firearm inaccessible to children and irresponsible adults. Officers are encouraged to refrain from storing firearms in vehicles whenever possible.

312.9.2 STORAGE OR TRANSPORTATION OF FIREARMS OFF-DUTY

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep the firearm inaccessible to children and irresponsible adults. Officers are encouraged to refrain from storing firearms in vehicles whenever possible.

312.10 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition and free from corrosion.

Any POST certified Firearms Instructor or Range Safety Officer assigned to the Academy Staff has the authority to deem any firearm unfit for service.

Any firearm that has been deemed unserviceable shall not be returned to service until inspected and approved for duty use by the Academy Range Commander.

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Firearms that are the property of the Department may be repaired only by a member of the Department certified as an armorer or gunsmith in the repair of the specific firearm.

All repairs of department-issued firearms not performed by the Academy Range Staff must be authorized in advance by the Academy Range Commander and accomplished by a department-approved gunsmith, who is certified to repair such firearm.

312.10.1 MAINTENANCE AND REPAIR OF PRIVATELY OWNED FIREARMS

Since the use of personally owned firearms is at the option of the individual officer, that officer will be responsible for the maintenance and repair of his/her firearm and all completed repairs must be approved by the Academy Range Commander before such firearm is put back into service.

312.10.2 MAINTENANCE OF PATROL RIFLES

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Special Operations Division (SOD) Armory Unit, who shall inspect and service each approved patrol rifle on a semi-annual basis. Certified patrol rifle instructors assigned to the Academy Range Unit may assist the SOD Armory Unit with the semi-annual inspections.

(b) Each officer carrying a patrol rifle may be required to field strip and clean an approved patrol rifle as needed.

(c) Each officer shall be responsible for promptly reporting any damage or malfunction of an approved patrol rifle to his/her immediate supervisor and the SOD Armory Unit. The rifle shall be taken out of service and brought to the SOD Armory Unit as soon as practical for repairs.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor, the SOD Armory Unit, or the Academy Range Unit at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Commander of the SOD Armory Unit.

312.10.3 MAINTENANCE OF SHOTGUNS

(a) Primary responsibility for maintenance of shotguns shall fall on the Special Operations Division (SOD) Armory Unit, who shall inspect and service each shotgun on an annual basis. Firearms Instructors assigned to the Academy Range Unit may assist the SOD Armory Unit with the annual inspections.

(b) Each officer carrying a shotgun may be required to field strip and clean an assigned shotgun as needed.

(c) Each officer shall be responsible for promptly reporting any damage or malfunction of an approved shotgun to his/her immediate supervisor and the SOD Armory Unit. The shotgun shall be taken out of service and brought to the SOD Armory Unit as soon as practical for repairs.

(d) Any shotgun found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each shotgun shall be subject to inspection by a supervisor, the SOD Armory Unit, or the Academy Range Unit at any time.

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(f) No modification shall be made to any shotgun without prior written authorization from the Commander of the SOD Armory Unit.

312.11 MODIFICATIONS OF DUTY FIREARMS

Firearms that are the property of the Department may be modified only by a member of the Department certified as an armorer or gunsmith in the repair of the specific firearm.

All modifications of department-issued firearms not performed by the Academy Range Staff must be authorized in advance by the Academy Range Commander and accomplished by a department-approved gunsmith, who is certified to repair such firearm.

Any modifications to the officer's personally owned duty firearm, including secondary firearms, shall be done at his/her expense and must be approved by the Academy Range Commander.

312.12 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing peace officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR § 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their department identification card, which must contain a full-face picture, the officer's signature and the signature of the Superintendent of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Superintendent of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary and should include that the officer has completed the mandatory TSA training for peace officers flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

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(i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

312.13 CARRYING FIREARMS OUT OF STATE

Qualified active officers and qualified retired officers (see the Retired Officer Carrying Concealed Weapons Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B, 18 USC § 926C):

(a) The officer shall carry his/her Department identification card whenever carrying such firearm.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

(c) The officer is not the subject of any current disciplinary criminal investigation, suspension from duty, or administrative re-assignment that includes a prohibition from possessing a firearm.

(d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active and retired peace officers who are visiting from other states are subject to all requirements set forth in 18 USC § 926B, 18 USC § 926C.

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Ammunition

313.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and standard(s) to department members for the use of authorized ammunition.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Capacity -The maximum number of rounds that a magazine or a cylinder can store prior to being inserted into a firearm. Loading a round into the chamber of a weapon and topping off the magazine would exceed the capacity number of rounds authorized while on-duty.

313.2 POLICY

Officers shall carry only ammunition issued or authorized by the Department. Officers shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Academy Range Staff when needed, in accordance with established procedure.

Only the Superintendent of Police, or his designee, can authorize the issuance of ammunition from the Department's armory.

All officers' firearms shall be filled with the capacity number of rounds while on-duty. When policy requires the wearing of a uniform gun belt, commissioned members shall carry at least one magazine in addition to the magazine loaded in the handgun. Regardless of the number of magazines carried while on-duty, all magazines shall be filled to capacity.

313.3 AUTHORIZED AMMUNITION

The following ammunition is authorized by the Department:

(a) Only .38 Special ammunition is authorized for both the .38 Special and .357 magnum handguns as listed below:
- Remington Peters: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Remington Peters: factory loaded, 125 grain, jacketed hollow point Golden Saber
- Winchester Western: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Federal: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Zero: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Winchester: Silver Tip, factory loaded, 110 grain, hollow point (recommended in aluminum frame and J frame handguns)
- Precision Delta: Plus P, factory loaded, 125 grain, jacketed hollow point
- Speer: factory loaded, 125 grain, Gold Dot hollow point +P

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(b) The below ammunition is authorized for 9MM semi-automatic handguns (9MM Luger, 9MM Parabellum, 9MM Para):

- Remington Peters: factory loaded, 115 grain, jacketed hollow point
- Remington Peters: factory loaded, 147 grain, Golden Saber
- Winchester: factory loaded, 115 grain, jacketed hollow point
- Winchester: factory loaded, 115 grain, silver tip hollow point
- Winchester: factory loaded, 147 grain, Subsonic, controlled expansion, jacketed hollow point
- Federal: factory loaded, 115 grain, jacketed hollow point
- Federal: factory loaded, 147 grain, Hydra-Shok, hollow point
- Winchester: factory loaded, 147 grain, Black Talon, hollow point or Supreme Expansion Talon
- Winchester: factory loaded, 147 grain, bonded jacketed hollow point
- Speer: factory loaded, 147 grain, Gold Dot hollow point
- Remington Peters: factory loaded, 147 grain, jacketed hollow point, Golden Saber Bonded

(c) The below ammunition is authorized for semi-automatic .380 handguns, (.380 Automatic, 380 ACP, 9MM Kurz):

- Winchester: factory loaded, 85 grain, silver tip hollow point
- Federal: factory loaded, 90 grain, jacketed hollow point, Load No. 380, Hi-Shok
- Federal: factory loaded, 90 grain, Hydra Shok, hollow point
- Federal: factory loaded, 90 grain, jacketed hollow point
- Remington: factory loaded, 88 grain, jacketed hollow point
- Remington: factory loaded, 102 grain, Golden Saber HPJ (High Performance Jacket)
- Speer: factory loaded, 90 grain, Gold Dot hollow point

(d) The below ammunition is authorized for .40 caliber semi-automatic handguns:

- Winchester: factory loaded, 180 grain, jacketed hollow point
- Winchester: factory loaded, 180 grain, Black Talon or Supreme Expansion Talon, hollow point
- Winchester: factory loaded, 180 grain, bonded hollow point
- Speer: factory loaded, 180 grain, Gold Dot hollow point
- Remington Peters: factory loaded, 180 grain, jacketed hollow point, Golden Saber
- Federal: factory loaded, 180 grain, Hydra Shok, hollow point

(e) The below ammunition is authorized for .32 caliber semi-automatic handguns:

- Winchester: factory loaded, 60 grain, silver tip hollow point
- Speer: factory loaded, 60 grain, Gold Dot hollow point
- Federal: factory loaded, 65 grain, Hydra Shok, hollow point

(f) The below ammunition is authorized for .32 caliber handguns:

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- Federal: factory loaded, .32 Harrington and Richardson magnum, 85 grain, jacketed hollow point

(g) The below ammunition is authorized for .25 caliber semi-automatic handguns:

- Winchester: factory loaded, 45 grain, expanding point
- Glaser Blue Safety Slugs, 35 grain, 25 ACP, Round Nose (RN)
- Speer: factory loaded, 35 grain, 25 ACP, Gold Dot hollow point
- Hornady: factory loaded, 35 grain, 25 ACP, XTP Jacketed Hollow Point (HP)

(h) The below ammunition is authorized for .22 caliber handguns:

- CCI Stinger: factory loaded, .22 LR, 32 grain, hollow point
- CCI Maxi-Mag: factory loaded, .22 WMR, 40 grain, jacketed hollow point
- Remington: factory loaded, .22 LR, 33 grain, Truncated Cone hollow point(Yellow Jacket: Hyper Velocity)
- Federal: factory loaded, .22 Magnum, 25 grain, hollow point

313.4 EDUCATION AND TRAINING DIVISION AMMUNITION RESPONSIBILITIES

The Education and Training Division has the following ammunition responsibilities:

(a) Issues approved ammunition to all commissioned employees for authorized on duty firearms

(b) Replaces ammunition used in the performance of a commissioned member's duties

(c) Assign a Firearms Instructor or Range Safety Officer to respond to discharge incidents.

313.5 OFFICER'S AMMUNITION RESPONSIBILITIES

Officers are responsible for obtaining their own approved, off-duty ammunition.

Officers needing replacement of lost, stolen or damaged ammunition due to circumstances or events occurring within the course of their duties will obtain replacement ammunition from the Academy Range Staff after presenting a copy of the incident report to the Education and Training Division.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, fleeing violators and property.

314.1.1 POLICY

This department's response to those who unlawfully flee from law enforcement action shall stress a common sense balance between the importance of apprehending offenders and the high-risk nature of vehicle pursuits.

314.2 DEFINITIONS

Definitions related to this policy include:

Express approval - Express approval is the verbal acknowledgment by a platoon supervisor approving or disapproving a vehicle pursuit. This approval/disapproval shall be made on the working dispatch talk group for the district of occurrence. The express approval/disapproval shall be an unequivocal statement that the vehicle pursuit is authorized or not authorized (e.g., "620 - The pursuit is authorized" or "620 - The pursuit is not authorized . Platoon supervisors will include regular uniformed district platoon supervisors, Task Force supervisors, and COPS supervisors, not to exclude DIU supervisors.

Exigent circumstances - An emergency situation requiring swift action to prevent imminent danger to life.

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block. Blocking or vehicle intercept is not authorized by this department.

Boxing in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. Boxing in a vehicle is not authorized by this department.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop. PIT is not authorized by this department.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. Ramming is not authorized by this department.

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Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle. Roadblocks are not authorized by this department.

Tire deflation device, spikes or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle. Tire deflation devices, spikes or tack strips are not authorized by this department.

314.3 OFFICER RESPONSIBILITIES

A vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with and using as reasonably necessary, a siren and proper emergency lighting. The officer driving an emergency vehicle may, when in pursuit of a suspect (La. R.S. 32:24):

- Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit so long as the officer does not endanger life or property.
- Disregard regulations governing direction of movement or turning in specified directions so long as the officer does not endanger life or property.
- Park or stand in a roadway, irrespective of traffic regulations.

Officers shall drive with due regard for the safety of all persons.

314.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit, once express supervisory approval has been obtained, when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

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(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources.

(l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle.

314.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

(a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(f) The hazards to uninvolved bystanders or motorists.

(g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(h) When directed to terminate the pursuit by the pursuit supervisor.

314.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

314.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

314.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Communications Services, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information which includes:

(a) The reason for the pursuit.

(b) The location and direction of travel.

(c) The speed of the fleeing vehicle.

(d) The description of the fleeing vehicle and license number, if known.

(e) The number of occupants.

(f) The identity or description of the known occupants.

(g) The weather, road and traffic conditions.

(h) The identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

314.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serving as backup to the primary unit once the subject has been stopped.

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314.4.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

  1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.

(c) Officers shall not pursue a vehicle driving the wrong way on a roadway by also driving the wrong way. In the event the pursued vehicle does so, tactics that should be considered include:

  1. Maintaining visual contact with the pursued vehicle by the pursuing vehicle by paralleling on the correct side of the roadway or on a parallel roadway.
  2. Requesting other units to observe exits available to the suspect.
  3. Requesting assistance from an available air unit when available.

(d) Notifying the Louisiana State Police or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

314.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and a supervisor other than the pursuit supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

314.4.7 PURSUIT TRAILING

In the event that the initiating unit from this department relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

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314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The platoon supervisor from the district where the pursuit initiated or if unavailable, any other district supervisor of the same district will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notifying involved officers and Communications Services of supervisory presence.

(b) Ascertaining all reasonably available information.

(c) Continuously assessing the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(d) Providing on-scene supervision.

(e) Exercising management and control of the pursuit.

(f) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(g) Directing the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(h) Ensuring the proper radio channel is being used.

(i) Ensuring outside agencies are notified and/or coordinated if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(j) Controlling and managing NOPD units when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit critique and analysis of the pursuit.

The Command Desk shall be contacted by the dispatcher if a pursuit request is neither approved nor disapproved by a district supervisor.

In the absence of a district supervisor to manage a pursuit, or the disapproval of a pursuit request by a district supervisor, the Command Desk shall instruct the dispatcher to terminate the pursuit.

314.5.1 PLATOON COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Platoon Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Platoon Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Platoon Commander shall review all pertinent reports for content and forward them to the Deputy Superintendent.

314.6 COMMUNICATIONS

Pursuit communications will be conducted over the channel on which the pursuit was initiated.

314.6.1 COMMUNICATIONS SERVICES RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Communications Services will be responsible for:

(a) Coordinating pursuit communications of the involved units and personnel.

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(b) Notifying and coordinating with other involved or affected agencies as practicable.

(c) Ensuring a platoon supervisor is notified of the pursuit.

(d) Assigning an incident number and logging all pursuit activities.

(e) Broadcasting pursuit updates as well as other pertinent information as necessary.

(f) Notifying the Platoon Commander as soon as practicable.

314.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.7 INTERJURISDICTIONAL CONSIDERATIONS

An officer may only initiate a pursuit while within the jurisdiction of this department. If an officer begins a pursuit in this jurisdiction, the officer may continue the pursuit into another jurisdiction only if the person is suspected of committing a violent felony in this state.

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. The primary officer or supervisor shall ensure notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

A pursuit that has commenced within, and has continued outside, the jurisdiction of this department shall be terminated once the pursuing officer has lost visual contact with the vehicle being pursued.

314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

New Orleans Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the New Orleans Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information necessary for inclusion in any reports from the agency managing the termination point.

The role and responsibilities of officers at the termination of a pursuit that was initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

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314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:

(a) The Department's ability to maintain the pursuit

(b) Whether the circumstances are serious enough to continue the pursuit

(c) Whether there is adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) The safety of the pursuing officers

As soon as practicable, a supervisor or the Platoon Commander should review a request for assistance from another agency. The Platoon Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the initiating agency and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.8 PURSUIT INTERVENTION

Pursuit intervention is not authorized by the New Orleans Police Department.

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking, boxing in, PIT, ramming or roadblock procedures.

314.9 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect when the pursuit ends. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.10 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations.

(a) The primary officer shall complete appropriate crime/arrest reports.

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(b) The primary supervisor shall complete the appropriate pursuit report.

(c) After receiving copies of reports, logs and other pertinent information, the Superintendent or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate.

(d) Annually, the Superintendent should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

314.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

316.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call shall use audible or visual signals sufficient to warn motorists of their approach, as required by state law (La. R.S. 32:24).

Responding with emergency lights and siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others (La. R.S. 32:24).

Officers shall only respond to a call as an emergency response when so dispatched or when responding to circumstances the officer reasonably believes involve the potential for immediate danger to persons or property. Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.3 REQUESTING EMERGENCY ASSISTANCE

Officers may request assistance/emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen or officer.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and assistance/emergency assistance is not required, the requesting officer shall promptly notify the dispatcher.

316.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Platoon Commander or the field supervisor shall monitor all emergency responses and reduce or enhance the response as warranted.

316.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher.

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316.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response (La. R.S. 32:24):

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level shall be communicated to the dispatcher by the officer in charge of the scene, unless a supervisor assumes this responsibility.

316.6 COMMUNICATIONS SERVICES RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed.

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Platoon Commander or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

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316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly.

The officer shall notify the dispatcher, field supervisor or the dispatcher of the equipment failure so that another unit may be assigned to the emergency response.

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Alternative Police Response (APR)

317.1 PURPOSE AND SCOPE

The purpose of this policy is to address lower priority calls for service utilizing Alternative Police Response (APR) guidelines. This policy is intended to allow officers to remain in the areas to which they are assigned and to engage in proactive policing activities while allowing citizens to report issues that do not require a police response at the scene.

APR will enhance the level of emergency police services available in the community by handling low priority calls via telephone and not requiring the physical presence of an officer.

It is the policy of the New Orleans Police Department to provide the public with the best police services possible. The department recognizes that the need for officer and citizen safety is the primary focus of any law enforcement agency's efforts and that non-emergency service delivery is a secondary concern.

It is not the intention of the APR program to in anyway, lessen the law enforcement services provided by the New Orleans Police Department.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Alternative Police Response (APR) - A strategic police response to a call for service received through the Public Safety Answering Point (P.S.A.P.) that is not in progress, has not just occurred and is not currently endangering life or property. Any call meeting such requirements will generally be assigned as a low priority call and responded to via telephone by personnel assigned to APR.

Alternate duty - A designation indicating that an employee is working in a status other than his/her regular duty status (e.g., Administrative Duties Division (ADD)/limited duty or administrative reassignment).

CAD - Computer aided dispatch

CFS - Calls for service

Just occurred - The ten minute period immediately following the incident that prompted the call.

317.2 GENERAL STANDARD

APR will call the complainant on any pending call held for more than 30 minutes, when possible. This provides the most up-to-date information about the call; along with letting the citizen know their call is being monitored while waiting for a police response should the APR officer not be able to handle the incident.

317.3 GUIDELINES

Calls which may be serviced with APR:

(a) Any call prioritized as a Code 1 call that is not currently endangering life or property and:

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1. There are no wanted subjects or witnesses.
2. There is no physical evidence to be confiscated.
3. The chances of clearance either through arrest or recovery of missing property is slight.

(b) Complainants and/or victims are not located in Orleans Parish.

(c) Any other calls not requiring a police response to the scene.

Examples of calls that may be eligible for APR include, but are not limited to:

- Nuisance complaints
- Civil matters (e.g., business/customer disputes, contract disputes)
- Theft of U.S. Mail
- Harassing phone calls
- Landlord/tenant issues
- Property damage (minor damage with no suspects)
- Auto thefts (when no on-scene investigation is needed)
- Thefts, including bicycles (excluding shoplifting and fuel drive-off)
- Lost or stolen property (e.g., credit cards, license plates, telephones)
- Auto burglaries (when no on-scene investigation is needed)

The following calls are examples of calls that shall not be serviced by APR:

- Life or property currently in danger
- Injured persons
- Items on scene that must be preserved or collected for evidentiary or investigatory purposes
- Calls involving known witnesses
- Calls where the wanted subject is known
- Calls involving NOPD personnel
- Calls involving Orleans Parish or other government property
- Complainant insists on police presence

When a complainant is contacted by an APR officer, and it is determined that the incident does not fit the APR response, the call shall be assigned as a CFS and appropriately directed via CAD.

Walk-ins to district stations shall not be referred to an APR officer, nor shall an officer on the street be called into the district station to handle the call. The Desk Officer shall be responsible for handling such incidents.

Platoon Supervisors may direct dispatchers to forward pending calls for service for APR response provided the call meets the criteria for such response.

During emergency or extraordinary circumstances and/or situations wherein districts are experiencing an extremely heavy back-log of calls pending, APR officers may be directed to assist other districts by monitoring pending calls for service for possible APR intervention. Such requests for assistance shall be made by Communication Services, the Field Operations Bureau Chief, or designee, or the District Commander.

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To ensure a standard of service accountability, all calls placed by APR officers to complainants shall be conducted on a designated, recorded telephone line.

The APR supervisor shall conduct random Satisfaction Surveys with complainants who received APR intervention and had their issues resolved by APR officers to ensure quality of service.

317.4 STAFFING

The APR unit shall be a part of the Field Operations Bureau and shall be housed in the Public Safety Answering Point. APR officers shall be under the direct supervision of a designated APR supervisor.

Officers assigned to ADD, Limited Duty personnel and administratively re-assigned personnel (case by case basis) from the Public Integrity Bureau shall be utilized to staff the APR unit.

At times where there are no APR officers working, APR calls shall be directed to the district of occurrence and assigned to the desk officer for intervention.

APR officers shall report directly to the designated APR supervisor. The APR supervisor shall coordinate day-to-day operations, including reviewing reports and conducting random satisfaction surveys.

District patrol cars or foot beat officers shall not be assigned APR calls for service.

Personnel assigned to the APR unit shall ensure they have been properly trained in the use of the APR application prior to being assigned as an APR officer.

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Canines

318.1 PURPOSE AND SCOPE

The canine program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used to supplement law enforcement operations to locate individuals, apprehend criminal offenders and to detect items or contraband.

318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used in the investigation of a crime or possible crime, in the execution of a warrant, and to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

(d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Canine handlers shall limit off-leash canine deployments, searches, and other instances where there is an increased risk of a canine bite to a suspect to instances in which the suspect is wanted for a violent felony or is reasonably suspected to be armed based upon individualized information specific to the subject.

A canine handler shall keep his or her canine within visual and auditory range during deployments at all times, except when a canine clears a threshold (e.g., rounding a corner, entering a room, ascending/descending a stairwell).

Canine handlers will only allow their canines to engage a suspect by biting if the handler is in visual and auditory range of a suspect and the suspect's actions pose a risk of imminent danger to the handler or others, risk of serious harm to the canine, or if the suspect is actively resisting (active resistance does not include concealment and refusal to surrender without more) or escaping. Handlers will not allow their canine to engage a suspect by biting if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension.

In instances where a canine apprehends a suspect by biting, the handler will call the canine off at the first moment the canine can be safely released, taking into account that the average person will struggle if seized or confronted by a canine.

Absent a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing officer shall not serve as good cause for the use of a canine to apprehend an individual.

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Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be secured as soon as it becomes reasonably practical.

318.2.1 PREPARATIONS FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on-scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

(a) The subject's perceived age, and whether subject poses imminent threat or violence to others;

(b) The severity of the crime;

(c) Any potential danger to the public and/or other officers at the scene if the canine is released;

(d) The degree of resistance or threatened resistance, if any, the subject has shown;

(e) The potential for escape or flight if the canine is not utilized; and

(f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine supervisor shall be on call or on duty at all times. A canine handler shall have approval from a canine supervisor (sergeant or higher) prior to deployment. If the handler is unable to contact a canine unit supervisor, the handler shall seek approval from the platoon commander before the canine can be deployed. The approving supervisor shall not serve as a canine handler in the deployment.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Canine handlers shall issue three loud and clear warnings that a canine will be deployed and advise the suspect to surrender, unless such warnings impose an imminent threat of danger to the canine handler or other officers on scene. A canine handler shall allow a sufficient period of time between each warning to provide a suspect an opportunity to surrender. These warnings shall be given in either Spanish or Vietnamese if the suspect is reasonably believed to be a Latino or Vietnamese LEP individual.

The canine handler, when practicable, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service;

(b) To obtain a search warrant by using the detection canine in support of probable cause;

(c) To search vehicles, buildings, bags and any other articles as deemed necessary; and

(d) A narcotic detection-trained canine to search a person for narcotics is prohibited

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318.2.4 USE OF BOMB/EXPLOSIVE DETECTION CANINES

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection canine team may be warranted. When available, a trained explosive detection canine team may be used in accordance with departmental protocol and under the following circumstances:

(a) On all bomb/explosive detection requests, department EOD personnel must be notified to respond to the scene prior to the canine explosive team conducting any sweeps to:

1. Assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
2. Conduct preventive searches at locations such as special events, VIP visits, official buildings and other restricted areas as approved by the Field Operations Bureau Chief and Superintendent of Police.
3. Assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains) as approved by the Field Operations Bureau Chief and Superintendent of Police.
4. Assist in the search of scenes where an explosion has occurred and for an explosive device or search of area where an secondary explosive device is suspected.

At no time will a detection canine be used to render a suspected device safe or clear.

318.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention).

Only canines trained specifically for this purpose (e.g., Rescue dogs) shall be utilized in such circumstances.

318.2.6 CANINE BITES - MEDICAL ATTENTION

Whenever an individual sustains a canine bite, the handler or an on-scene officer shall immediately contact an NOPD dispatcher to request Emergency Medical Services response. If additional medical attention is required, the individual shall be transported to a medical facility for treatment.

318.2.7 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Narcotics Data Deployment report and/or Patrol Data Deployment Report shall be completed by the handler and turned in to the canine unit supervisor before going off-duty.

Whenever the use of the canine results in a bite or any injury, a Use of Force Report Form shall be completed and included with any related Narcotics Data Deployment report and/or Patrol Data Deployment Report Canines controlled by peace officers are exempt from regulatory action relating to bites.

For each canine apprehension, the involved handler shall complete a Use of Force Report before the end of shift. In addition to the information that must be included in all Use of Force Report, a canine handler's Narrative documenting a canine apprehension shall include the following:

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(a) Whether there was contact between the canine and the subject, including contact with the subject's clothing.

(b) Documentation of the duration of the canine's contact with a subject.

(c) The approximate distance of the canine from the handler at time of apprehension.

(d) The description of any injuries received by the suspect.

(e) The description of the circumstances leading up to the decision to deploy the canine.

In addition, in all apprehensions where there is canine contact, visible injury to a suspect, or a complaint of injury, an uninvolved supervisor shall be summoned to the scene for the purpose of completing a Use of Force Report consistent with investigative requirements

An uninvolved canine supervisor shall evaluate each canine deployment for compliance with NOPD policy and state and federal law, and document this evaluation.

In the event of an unintentional and/or accidental canine bite, whether on or off duty, the canine supervisor/commander shall be summoned to the scene, obtain immediate medical treatment, and forward a written report in accordance with canine unit policy.

The canine unit trainer will maintain liaison with the animal control department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements to the animal control department.

318.2.8 REPORTING INJURIES TO CANINES

In the event that a canine is injured, the injury will be immediately reported to the Canine Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the canine has a serious medical emergency and the handler and canine are out of the area of the designated veterinary facilities, the handler may use the nearest available veterinarian. The handler shall notify the designated and contracted veterinary facility as soon as possible if this occurs, as well as notify the Canine Commander.

In the event of serious injury or death of a Departmental Canine, all canine handlers and canine supervisory personnel shall comply with notification procedures set forth in their canine division policy, ensuring that notifications are made to Operations Bureau Chief, Superintendent of Police, and the Public Integrity Bureau.

The Canine Supervisor shall document the incident via Incident Report Form within twenty-four hours of the incident.

318.2.9 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Field Operations Bureau and used to aid and assist all personnel of the New Orleans Police Department.

Canine teams should function primarily as support units. However, they may be assigned by the Canine Commander to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Canine Commander.

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318.3 REQUESTS FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines.

When a canine team is requested, the on-scene officers shall:

(a) Secure the perimeter of the area to be searched and clear the area of civilians;

(b) Refrain from entering the area or any structure to be searched;

(c) Keep radio traffic to a minimum during the canine search; and

(d) Refrain from excessive use of lights during a canine search to avoid exposing the canine team's position or placing the canine team in jeopardy.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Canine Commander or the canine unit trainer/coordinator must approve all requests for canine assistance from outside agencies subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The handler has the ultimate authority to decide whether the canine is to be used for a specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the jurisdiction of the New Orleans Police Department unless authorized by the Canine Commander or the canine unit trainer.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

Unless directed by the Commander of the Special Operations Division, NOPD will not request or use the services of any canine, whether owned by NOPD or any other jurisdiction, unless first ensuring that the agency meets the standards required by NOPD policy.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

Any and all canine demonstrations shall be authorized by the Chief of the Field Operations Bureau or Superintendent of Police.

Canine demonstrations, when authorized, shall follow the guidelines as per the Canine Unit Policy.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the canine unit trainer.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) The canine handler is a New Orleans Police Department Officer having completed a minimum of 5 years experience as a New Orleans Police Officer.

(b) Have and maintain a single-family residence having a minimum 5 foot high fence with locking gates and with sufficient space for the construction of a department provided and approved kennel.

(c) Successfully complete all phases of basic handler's course required by the canine Unit.

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(d) The handler lives within reasonable travel time from the New Orleans City limits, in accordance with the departments current domicile regulations.

(e) The handler agrees to be assigned to the position for a minimum of three years.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the canine unit commander.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all Department equipment under his/her control in a clean and serviceable condition.

(c) When a handler takes a vacation or extended number of days off, and is not able to care for the canine, the assigned canine will be housed/kenneled at the Canine Unit Compound with prior approval from Canine Unit Commander and the assigned canine vehicle shall be maintained at the Canine Department facility.

(d) Handlers shall permit the canine unit trainer to conduct spontaneous on-site inspections of affected areas of their residence, as well as the canine unit, to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine unit trainer and the Commander of the Canine Unit as soon as possible.

(f) When off-duty, canines shall be maintained in kennels provided by the City at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine unit trainer or Canine Commander.

(i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the canine unit trainer or Canine Commander.

(j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations the handler shall give reasonable notice to the canine unit trainer so that appropriate arrangements can be made.

(k) Handler shall maintain the health of their assigned canine and as soon as practical advise the canine unit trainer or supervisor of any illness or injury involving their assigned canine.

(l) Handlers shall muzzle their canine prior to entering the designated veterinary.

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(m) Handlers shall maintain a comfortable ambient temperature for current weather conditions anytime the canine is in the vehicle. When leaving canine in the canine vehicle unattended, handler shall ensure that the vehicle's heat sensor unit controls are placed in the proper operating positions; ensure vehicle is locked and secure; and shall make periodic checks on canine, and provide breaks to canine.

(n) Handlers shall maintain his/her physical fitness at all times.

318.5.3 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended unit remains habitable for the canine.

(c) Handlers shall maintain control over their canines at all times.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided within this policy.

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine unit trainer.

Any indication that a canine is not in good physical condition shall be reported to the canine unit trainer or the Canine Commander as soon as practicable.

318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the canine unit trainer as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian. The handler shall notify the designated and contracted veterinary facility as soon as possible if this occurs, as well as notify the Canine Commander.

318.7 TRAINING

Canine teams shall be trained and certified in accordance with the training standards set forth by the New Orleans Police Department's Canine Unit, in addition to meeting current recognized national standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet a nationally recognized standards established for such detection canines. Canine teams may not be used outside the scope of their certification.

The canine unit trainer shall be responsible for scheduling periodic training for all Department personnel in order to familiarize them with how to conduct themselves in the presence of canines.

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318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training to department training standards and current nationally recognized standards or as defined in the Department's canine unit's curriculum.

(b) Canine teams shall demonstrate to the canine trainer their compliance with the performance training standards set forth on a quarterly basis.

(c) Canine handlers are encouraged to engage in additional training with approval of the canine unit trainer.

(d) To ensure that all training is consistent, no handler is authorized to train to a standard that is not reviewed and approved by the canine trainer.

(e) All canine training shall be conducted while on-duty unless otherwise approved by the canine unit trainer or Canine Commander.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. Otherwise, no canine team shall be deployed unless its certification is current.

Canine Unit shall maintain a canine certification program that ensures that:

(a) Canines and their handlers demonstrate control and proficiency in specific, widely accepted obedience and criminal apprehension exercises.

(b) Canines and their handlers receive a minimum of 16 hours of training every four weeks.

(c) The trainer keeps detailed records of whether each canine team has met specific control criteria for each control exercise, and what remedial training was given if a canine team was deficient in any area

(d) The trainer reports all deficiencies to the unit supervisor. The program shall ensure that canines are certified annually by a nationally recognized trainer or organization, and that a canine is not deployed unless its certification is current.

318.7.3 TRAINING RECORDS

All canine handlers shall be responsible for maintaining a daily training log consisting of canine activities (e.g., training, re-training, in-service classes).

Training logs shall be periodically inspected by the canine unit trainer.

The Canine Trainer should track canine deployments and canine apprehensions, and calculate and track canine bite ratios on a monthly basis to assess its canine unit and individual canine teams.

Canine data and analysis shall be included in NOPD's Use of Force Annual Report.

The Canine Trainer will review the performance of any handler whose bite ratio exceeds requirements set forth per unit policy during a six-month period, or the entire unit if the unit's bite ratio exceeds that threshold, and to require interventions as appropriate.

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318.8 CANINE UNIT TRAINER RESPONSIBILITIES

The canine unit trainer shall be appointed by the staff and shall supervise the canine program. The canine unit trainer is directly responsible to the Field Operations Bureau Commander. The canine unit trainer shall be responsible for, but not limited to:

(a) Reviewing all canine related reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintain, record, and track each K-9 Handler's training records, certifications, health and activity of canine.

(c) Maintaining liaison with administrative staff and functional supervisors.

(d) Responsible for the reviewing of all canine training logs.

(e) Train perspective canines and handlers to meet the performance standards and ensure that all teams are certified.

(f) Recommending and overseeing the procurement of needed equipment and services for the unit.

(g) Being responsible for scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

(i) Ensure that certified teams maintain performance standards as outlined in the New Orleans Police Departments' K-9 Unit's training manual.

(j) Assist in the selection process of selective handlers.

(k) Test and select perspective canines for use by the department.

(l) Responsible for the training of new personnel and then- canines within the canine unit.

(m) Disseminating any and all canine equipment including kennels, and collecting same upon the handlers exit out of the unit.

(n) Responsible for all retraining of handlers and their canines.

(o) Responsible for inventory and safe keeping of all training equipment.

(p) Assist in the selection process of selective handlers.

(q) Conduct periodic inspection of canine handler's at-home kennels, yards and homes.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detection canines. Controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Superintendent of Police or the authorized designee, at his/her discretion, may authorize an employee to seek a court order to allow controlled substances to be maintained in the employee's possession for training purposes. This applies to any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency, provided that:

(a) The controlled substances are no longer needed as criminal evidence.

(b) The person receiving the controlled substances, if required by the Drug Enforcement Administration (DEA), possesses a current and valid DEA registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

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As an alternative, the Superintendent of Police or the authorized designee may request narcotics training aids while providing substance abuse training or canine drug detection training from the DEA by filling out the DEA-225 form at www.deadiversion.usdoj.gov.

318.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedures shall be strictly followed:

(a) All necessary controlled substance training samples shall be acquired from the New Orleans Police Department's Central Evidence and Property Room or from the DEA (Drug Enforcement Administration). All controlled substance training samples shall be weighed and tested prior to dispensing to the canine trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Canine trainer shall be responsible for receiving controlled substance training samples and shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested quarterly.

(e) All controlled substance training samples will be inventoried and properly stored in accordance with best practices to avoid contamination, loss, or damage.

(f) The canine unit trainer shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to Central Evidence and Property or to the dispensing agency.

(h) All narcotics training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.

318.10 EXPLOSIVE TRAINING AIDS

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or nonhazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.

(b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the canine unit.

(c) The canine unit trainer shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine unit shall have access to the explosives training aid storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosives training aids shall be immediately reported in writing to the canine unit trainer, who will determine if any further action will be necessary. Any loss of explosives shall immediately be reported to the Deputy Secretary of

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the Department of Public Safety and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (La. R.S. 40:1472.7).

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Mounted Patrol

319.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mounted patrol officers. Mounted patrol officers provide police protection to the citizens of this community, further public relations, and provide high visibility in assigned areas.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Mounted Patrol Officer - Police Officers who have passed the current mounted training course and are certified to ride horses.

Mount - A horse owned or utilized by the City of New Orleans.

Inclement Weather - Temperature reading of below 32 degrees or its equivalent considering wind chill factor; Heavy rain or rain accompanied by lighting and high winds; Heat index of 100 degrees Fahrenheit.

319.2 MOUNTED PATROL OFFICER DUTIES

Duties of Mounted Patrol Officers shall be, but are not limited to, the following:

(a) Patrolling areas of assignment throughout the city as directed through the chain of command;

(b) Taking appropriate action in all situations calling for police services;

(c) Maintaining crowd control during special events and/or during demonstrations and/or protests;

(d) Conducting tours of the police stable for groups authorized by the Superintendent of Police or his designee; and

(e) Assisting the various districts and division within the police department when required.

Mounted Patrol Officers should be knowledgeable about his/her mount and equipment to include:

- Maintaining a well groomed mount; and
- Controlling their mount to the best of their ability.

Mounted Patrol Officers should keep in mind their public relations role when dealing with citizens and tourists. Mounted Patrol Officers should attempt to assist citizens and tourists in a professional and courteous manner.

Officers assigned to mounted patrol duties shall conform to the Mounted Patrol Manual with regard to care of horses and maintenance of equipment.

All personnel assigned to mounted patrol duties are granted one hour at the beginning of their tour of duty to prepare their mounts.

All personnel assigned to mounted patrol duties are granted the last hour of their tour of duty to provide necessary care for their mounts.

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319.3 STABLE STAFFING

The Police Stable shall be manned twenty-four (24) hours a day, seven days a week.

319.4 WEATHER RESTRICTIONS

The Mounted Patrol Commander will monitor the heat index during the summer months. If the heat index reaches or exceeds 100 degrees Fahrenheit, routine daytime mounted patrols will cease. During times of extreme heat, routine mounted patrol will be conducted in the late afternoon or evening hours unless otherwise directed.

If mounted patrol is ceased due to inclement weather or hazardous conditions, officers will be assigned vehicles for enforcement duties or given special assignments as directed by their Commanding Officer or senior platoon officer.

319.5 EIGHTH DISTRICT MOUNTED UNIT

Ranking Officers of the Eighth District Mounted Unit will conduct periodic inspections of all mounting equipment and document its serviceability.

319.6 RECORDS

The administrative assistant of the mounted patrol unit will keep within the unit updated records of all bills, veterinary care and bills, equipment, pertaining to the Mounted Patrol Unit.

319.7 INJURIES

In the event that an injury is sustained to a pedestrian which is caused by a mount, a ranking officer assigned to the Eighth District Mounted Unit will be notified immediately. The Mounted Patrol Officer shall be responsible for providing timely aid or assistance to the injured party. The responding ranking officer will be responsible for completing the necessary report forms before the end of his/her tour of duty.

In the event an injury is sustained by a mounted horse, the mounted officer shall:

(a) Administer first aid to the mount, when possible;

(b) Contact the on duty veterinarian, if necessary;

(c) Contact his/her on duty rank who will complete the necessary report forms before the end of his/her tour of duty; and

(d) Transport the injured horse to the police stable or veterinarian, if possible.

319.8 RESTRICTIONS

The leather riding crop shall only be used to control the mount and shall not be used on persons.

Mounted officers are prohibited from allowing their mounts to enter buildings or businesses unless acting in a life threatening situation or he/she is ordered to do so by a ranking officer.

319.9 PART-TIME RIDER PROGRAM

The Part-Time Rider Program consists of officers who have successfully completed the Mounted Training however they are not assigned to the Mounted Unit. These riders are called upon to supplement Mounted Officers during special events throughout the year.

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Furthermore, mounted certified officers, who are participating in the Part Time Rider Program in the Eighth District or any other district, but doesn't participate in the Mardi Gras Training must recertify annually. That officer, in his/her birthday month must contact the mounted unit's head instructor for a recertification date and time. The recertification will consist of a written examination as well as his/her performance in the certification course.

319.10 EQUIPMENT OPERATION

Only officers assigned to the mounted patrol unit or who have completed the current mounted training course may operate trucks and trailers assigned to the Mounted Patrol Unit unless authorized by the Commander of the Eighth

319.11 RECERTIFICATION

Part-Time and Full-Time Mounted Offices are required participate and successfully complete the Mounted Certification Process annually. This re-certification is usually conducted in January of each year.

319.12 MOUNTED SECONDARY EMPLOYMENT

Only officers who have completed the current mounted training course and have recertified within the current year may be allowed to work mounted patrol secondary employment. However, all mounted secondary employment shall be referred to the Mounted Commander, who will maintain a secondary employment log book. All mounted secondary employment shall be worked by full time mounted officers assigned to the Eighth District Mounted Unit. In the event such a secondary employment cannot be filled by a full time mounted officer, that secondary employment will be labeled as a Hardship . At that point a mounted certified officer who has re certified in the year of the secondary employment will be allowed to work such secondary employment. The Mounted Commander will maintain such documentation of the Hardship Secondary Employment in the Mounted Unit's Secondary Employment Log Book. All secondary employment are to be rotated among the full time mounted officers and all Hardship secondary employment are to be rotated among the part time mounted officers. All mounted officers working mounted patrol secondary employment shall follow all instructions outlined in the Mounted Patrol Manual.

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Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for New Orleans Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the New Orleans Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

Members of the department shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity in exercising discretion to conduct a warrantless search or to seek a search warrant, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.

Members of the Department shall only conduct searches of individuals on probation or parole where legal authority for the search has been established.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each

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situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Officers shall immediately notify a supervisor when considering a search based on consent and to resolve questions regarding search and seizure issues prior to electing a course of action. Supervisors shall approve a search before it is conducted.

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Officers shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity in exercising discretion to conduct a search, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigations.

(b) Members of this department will strive to conduct searches with dignity and courtesy.

(c) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(d) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(e) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

    1. Another officer or a supervisor should witness the search.

    2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search (reasonable suspicion/probable cause)
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is of the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Custody Searches

323.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of persons in custody (La. Const. Art. I § 5).

323.1.1 PHILOSOPHY

It is the policy of this department that all custody searches should be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of persons subject to any search.

323.2 DEFINITIONS

Definitions related to this policy include:

Body cavity search - Any visual or physical inspection of a person's genital or anal region with or without any physical contact with or intrusion into a body cavity.

Field interview - The brief detention of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Interview - Questioning for the purpose of eliciting facts or information.

Pat-down search - A frisk or external feeling of the outer garments of an individual. An officer may not manipulate objects which are discovered under the clothing.

Probable cause - The facts and circumstances known to the officer at the time would justify a prudent person in believing the suspect committed or was committing an offense.

Reasonable suspicion - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect criminal activity has been or is about to be committed.

Search - A thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband or evidence that might be destroyed. A search does not require the removal or rearrangement of some or all of a person's undergarments or clothing directly covering the person's genitalia, buttocks, anus or female breasts.

Strip search - Any search of an individual requiring the removal or rearrangement of some or all clothing to permit visual inspection of the suspect's groin/genital area, buttocks, female breasts, or undergarments covering these areas without physical contact or intrusion into a body cavity.

323.3 ARREST AND TRANSPORTATION SEARCHES

An officer should conduct a search of an arrestee immediately after the arrest, when receiving an arrestee from another person, and before transporting an arrestee in any department vehicle.

Whenever practicable, a search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, it is

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recommended that a witness officer be present during any search of a person of opposite sex as the searching officer.

323.4 CUSTODIAL SEARCHES

Officers shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation or gender identity in exercising discretion to conduct a warrantless search or to seek a search warrant, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.

For the safety of everyone, all detainees brought into any New Orleans Police Department facility will be searched.

323.4.1 SEARCHES AT ANY NOPD FACILITY

Officers receiving detainees in any NOPD facility shall thoroughly search the detainees. When a detainee has been handcuffed, the detainee should remain handcuffed until the search is substantially completed.

323.4.2 HANDLING OF DETAINEE'S PROPERTY

Employees shall take reasonable care in the handling of a detainee's property to avoid discrepancies or losses.

Any property belonging to a detainee but retained by an officer for safekeeping shall be kept in a secure location until the detainee is released or transferred. Any property too large to be secured in the receiving facility shall be taken to Central Evidence and Property for safekeeping. Any property that will not otherwise be accepted by a receiving facility in the event of a detainee transfer should also be logged into Central Evidence and Property for safekeeping.

Property belonging to the detainee but retained by an officer as evidence, shall be logged according to procedures. The detainee shall be advised that such property will be kept as evidence.

323.4.3 VERIFICATION OF DETAINEE'S MONEY

All money belonging to the detainee shall be counted in front of the detainee and returned to the detainee. All money seized as evidence in the possession of the detainee shall be counted in front of the detained and logged in as evidence at Central Evidence and Property (CE&P).

323.5 STRIP SEARCHES

No person arrested or detained for a traffic offense or an offense which does not constitute a felony may be the subject of a strip search unless there is articulable probable cause to believe that such person is concealing a weapon, evidence of the commission of a crime or contraband.

A strip search at any New Orleans Police Department facility may be conducted as follows:

(a) Written authorization from the officer's supervisor shall be obtained prior to the strip search and the supervisor shall be on-scene.

(b) All employees involved with the strip search shall be of the same sex as the person being searched.

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(c) All strip searches shall be conducted in a professional manner and include the least number of personnel necessary.

(d) All strip searches shall be conducted in a secure area of privacy so that the search cannot be observed by persons not physically conducting the search.

(e) Whenever possible, a second employee of the same sex should assist in conducting the search.

(f) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched. The primary employee conducting the search shall prepare a written search form to include:

1. The written authorization for the search obtained from the employee's supervisor.
2. The name of the person who was searched.
3. The name of the person who conducted the search.
4. The name of any person who assisted during the search.
5. The time and date of the search.
6. The place at which the search was conducted.
7. A list of the items, if any, recovered during the search.
8. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization and search form should be provided to the person searched.

(h) No employee should view a detainee's private underclothing, buttocks, genitalia or female breasts while that person is changing clothes, unless the detainee otherwise qualifies for a strip search.

323.5.1 SPECIAL CIRCUMSTANCE - FIELD STRIP SEARCHES

When the above requirements are met, a strip search conducted outside of the facility shall explicitly be authorized by the officer's supervisor and only in exceptional circumstances, such as:

(a) There is probable cause to believe that the arrestee is concealing a weapon or other dangerous item that cannot be recovered by a normal search.

(b) There is probable cause to believe that the arrestee is concealing controlled substances or evidence that cannot be recovered by a normal search and there is no reasonable alternative to ensure the arrestee cannot destroy or ingest the substance during transportation.

(c) The life of officers or others may be placed at risk.

Field strip searches may only be conducted under conditions that provide privacy.

323.6 BODY CAVITY SEARCH

No person may be subject to a body cavity search without a search warrant.

A body cavity search shall only be conducted at a medical facility by authorized medical personnel.

Body cavity searches shall be conducted as follows:

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(a) Written authorization from the officer's supervisor shall be obtained prior to obtaining a warrant for the body cavity search.

(b) An affidavit or sworn declaration supporting an application for a search warrant shall provide an accurate and clear description of the reasons for the request for the search, the place or thing to be searched, and items or possible evidence that are the purpose of the search.

(c) The body cavity search shall be conducted by a physician, registered nurse or practical nurse, licensed to practice in this state.

(d) The search shall be conducted under sanitary conditions.

(e) All employees present during the search shall be of the same sex as the person being searched, except for medical personnel.

(f) The search shall be conducted in a secure area of privacy so that the search cannot be observed by persons not involved with the search.

(g) Employees present during the search shall not touch the breasts, buttocks or genitalia of the person being searched.

(h) The primary employee present during the search shall prepare a written search form to include:

1. The written authorization for the search obtained from the employee's supervisor.
2. The name of the physician, registered nurse or practical nurse.
3. The name of the person who was searched.
4. The names of the employees present during the search.
5. The time and date of the search.
6. The place at which the search was conducted.
7. A list of the items, if any, recovered during the search.

(i) A copy of the written authorization and search form should be provided to the person searched.

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into custody by members of the New Orleans Police Department (42 USC § 5633).

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile offender - A juvenile between the age of 10 and 16 years, who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes illegal possession of a handgun by a juvenile (La. R.S. 14:95.8), sexting (La. R.S. 14:81.1.1A(2)), and a direct contempt of court.

Juvenile non-offender - An abused, neglected, or dependent youth who may legally be held for his/her own safety or welfare.

Non-secure custody - The status of a juvenile who is in the presence of an officer or other custodial employee at all times, and who is under direct personal supervision through visual monitoring and audio two-way communication. Direct visual monitoring may occur through a transparent barrier as long as two-way communication is still possible. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object or placed in a locked holding room or cell.

Secure custody - The status of a juvenile offender who is held in a locked room, set of rooms or a cell. Secure custody also includes being physically secured to a stationary object. Examples of secure custody include:

(a) A juvenile being processed in a secure booking area.

(b) A juvenile left alone in a secure booking area after being photographed and fingerprinted

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation that would not be a criminal violation if not for the age of the offender (e.g., running away, underage drinking, curfew violation, truancy).

324.2 POLICY

The New Orleans Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable, and keeping them safe while they are in temporary custody at the New Orleans Police Department.

324.3 NON-DETAINABLE JUVENILES

The New Orleans Police Department should not hold a juvenile who exhibits any of the following conditions:

(a) Unconsciousness

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(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Intoxicated

(e) Extremely violent or continuously violent

Officers arresting a juvenile exhibiting any of the above conditions shall transport the juvenile to the hospital to receive medical attention or mental health assistance and shall notify a supervisor of the situation prior to transporting the juvenile to the Juvenile Unit.

These juveniles should not be held at the New Orleans Police Department unless or until they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes he/she may a suicide risk, the juvenile shall be under constant personal supervision until evaluation, release or a transfer is completed.

324.4 CUSTODY OF JUVENILES

Officers who take custody of a juvenile shall transport the juvenile to the New Orleans Police Department Juvenile Intake Unit. No juvenile taken into custody may be released without prior authorization from the Juvenile Intake Unit.

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Reporting Policy should generally not be held at the New Orleans Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure detention.

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by curfew report, truancy or written report for protective custody, rather than taken into temporary custody. Juvenile status offenders may not be held in secure custody.

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the New Orleans Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

(a) Juvenile offenders may be taken into custody under the following circumstances (Ch. C. 812):

  1. When the juvenile is the subject of an order of the court.

  2. When an officer has probable cause to believe that a juvenile qualifies as a juvenile offender.

(b) An officer who takes a juvenile offender into custody shall immediately submit a sworn written statement justifying the custody to the juvenile court.

(c) An officer who takes a juvenile offender into custody shall promptly prepare a report of the custody and submit the report to the District Attorney or the officer designated by the court to receive such reports. The report should contain the following (Ch. C. 814):

  1. The name, address, date of birth, sex and race of the juvenile.

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2. The name and address of the parents or spouse, if any, of the juvenile.
3. A plain and concise statement of the facts and circumstances of the officer's taking the juvenile into custody.
4. A plain and concise statement of facts and circumstances showing probable cause that the juvenile committed a delinquent act.
5. A statement indicating whether the juvenile was released, escorted to a juvenile facility or placed in a shelter care facility.

324.5 ADVISEMENTS

In any case where a juvenile is taken into temporary custody, the officer should advise the juvenile of his/her constitutional rights to ensure the admissibility of any statements only in the presence of a parent, guardian or attorney.

The officer taking the juvenile into custody should also take immediate steps to advise the juvenile's parents, guardian or attorney that the juvenile is in custody and the location of the juvenile (Ch. C. 813; Ch. C. 814).

324.6 JUVENILE CUSTODY LOGS

There shall be a log for use anytime a juvenile is held at the New Orleans Police Department. The log should require and officers shall note:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival at, and release from, the New Orleans Police Department.

(c) Classification of the juvenile as a juvenile offender, status offender or non-offender.

(d) Any change in status.

(e) Time of all welfare checks.

(f) Any medical and other screening requested and completed.

(g) Circumstances that justify any secure detention.

(h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The supervisor shall initial the log to approve the detention, any secure detention and the release of the juvenile.

324.7 NO-CONTACT REQUIREMENTS

There shall be sight and sound separation between all juveniles and adults in custody (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

If inadvertent or accidental contact does occur or when separation is not possible, reasonable efforts shall be taken to minimize contact (e.g., when the juvenile is being fingerprinted or photographed). In situations where brief or accidental contact may occur, a member of the New Orleans Police Department shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

(a) A staff member of the same sex shall supervise the personal hygiene activities and care, such as changing clothes or using the restroom. However, non-secure custody

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should not be maintained and the staff member should be immediately available should an issue arise.

(b) Personal visual checks and significant incidents or activities shall be noted on the log.

(c) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) Juveniles shall have reasonable access to toilets and wash basins.

(e) Juveniles shall have reasonable access to a drinking fountain or water.

(f) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(g) Juveniles should have privacy during lawyer visits.

(h) Blankets and clothing should be provided as reasonably necessary to ensure the comfort of a juvenile. For example, clothing should be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(i) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(j) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(k) No discipline may be administered to any juvenile. Nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening. A juvenile offender should only be handcuffed behind the back at the New Orleans Police Department when the juvenile presents a heightened risk.

The use of other restraints is an extreme measure and generally should not be used for juveniles in temporary custody at the New Orleans Police Department, unless the juvenile presents a heightened risk, and it is only a temporary measure pending transportation to another facility or until other custodial arrangements can be made.

Restraints shall only be used after less restrictive measures have failed and with the approval of the supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles who are handcuffed or placed in restraints should be isolated to protect them from abuse. Direct visual observation shall be conducted at least twice every 30 minutes to ensure the safety and well-being of the juvenile.

324.10 PERSONAL PROPERTY OF JUVENILE OFFENDERS

The officer taking custody of a juvenile offender or status offender at the New Orleans Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property should be

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kept in a monitored or secure location until the juvenile is released from the custody of the New Orleans Police Department.

324.11 SECURE CUSTODY

Only juvenile offenders 10 years of age or older may be placed in secure custody.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

324.11.1 LOCKED ENCLOSURES

A juvenile offender may be locked in a detention room, cell or otherwise placed in secure custody when he/she has been arrested for a crime.

Officers shall follow department procedures for inspection of detention room, cell or secure custody locations.

324.12 DEATH OF A JUVENILE

The Juvenile Intake Unit Commander will ensure procedures are in place to address the death of any juvenile held at the New Orleans Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Superintendent, Deputy Superintendent of the Field Operations Bureau, Public Integrity Bureau, Detective Bureau Supervisor, the Independent Police Monitor (IPM) and the Public Integrity Bureau.

(b) Notification of the parent, guardian or the person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Evidence preservation.

324.13 CONTACTING JUVENILE SUSPECTS

Officers may not interview or interrogate a juvenile suspect except at the Juvenile Intake Unit, in the presence of the parent, guardian or attorney.

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed or fingerprinted in connection with being taken into custody. The fingerprints and photographs of juveniles will be maintained and indexed separately from those of adults (Ch. C. 818).

324.15 STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES OF JUVENILES

A juvenile shall only be subjected to a strip search or physical body cavity search (any search that would reveal his/her underclothing, breasts, buttocks, anus or vagina) upon the authority of a search warrant requested by the arresting officer. A copy of any search warrant and the result of the strip search or physical body cavity search shall be included with the related reports and made available, upon request, to the juvenile's parent or guardian or attorney.

(a) Only a physician may conduct a physical body cavity search.

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(b) Except for the physician, those present must be of the same sex as the juvenile being searched. Only the staff needed to maintain the safety and security of the medical personnel shall be present.

(c) Privacy requirements, including restricted touching of body parts, are the same as required under the Custody Searches Policy.

(d) All strip searches and body cavity searches shall be documented, which should include:

1. The facts that led to the decision to perform a strip search or physical body cavity search of the juvenile.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The supervisor's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The staff present and their roles.
8. Any contraband or weapons discovered during the search.

(e) Completed documentation should be placed in the juvenile's file. A copy of the written authorization shall be retained and made available to the juvenile or other authorized representative upon request.

(f) All contraband and weapons should be processed in accordance with the department's current evidence procedures.

(g) If appropriate, the staff member requesting the search shall complete a crime report.

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Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse. It is the policy of the New Orleans Police Department to treat reports involving at-risk adults as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect (La. R.S. 15:1501 et seq.).

326.1.1 DEFINITIONS

Definitions related to this policy include (La. R.S. 15:1503):

Abandonment - The desertion or willful forsaking of an adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Abuse - The infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value.

Adult - Any individual eighteen years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation.

Exploitation - The illegal or improper use or management of an aged person's or disabled adult's funds, assets, or property, or the use of an aged person's or disabled adult's power of attorney or guardianship for one's own profit or advantage.

Extortion - The acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority.

Isolation - Intentional acts, including physical or chemical restraints or to restrict, place or confine an adult in a restricted area for the purpose of social deprivation, committed for the purpose of preventing, and which do serve to prevent, an adult from having contact with family, friends, visitors, concerned persons or from receiving mail or telephone calls. This shall not be construed to affect a legal restraining order or medical isolation prescribed by a licensed physician caring for the adult.

Neglect - The failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.

Sexual Abuse - When the adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact, or the adult is involuntarily exposed to sexually explicit material, sexually explicit language, sexual activity or contact, or the adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult.

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326.2 MANDATORY REPORTING REQUIREMENTS

Members of the New Orleans Police Department are considered mandatory reporters. If during the course of an investigation, an officer has reasonable cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect or exploitation, the officer shall take a report as soon as reasonably practicable (La. R.S. 15:1504(A)).

Upon receipt of an adult abuse report from an adult protection agency, the officer shall initiate an incident report and shall notify the referring adult protection agency of the disposition of the report (La. R.S. 15:1506(C)).

Any person who is required to report the abuse or neglect of an adult knowingly and willfully fails to report, obstructs the investigation, provides false information or who retaliates against a person who reports abuse may be guilty of a crime (La. R.S. 14:403.2).

326.2.1 DOMESTIC VIOLENCE UNIT RESPONSIBILITIES

The Domestic Violence Unit is responsible for the following:

(a) Referring and providing a copy of the abuse report to the appropriate adult protection agency or as required by state law (La. R.S. 15:1506(A)).

(b) Retaining the original adult abuse report with the initial case file.

326.3 OFFICER'S RESPONSE

All incidents involving actual or suspected abuse or neglect shall be responded to immediately, fully investigated and appropriately documented.

326.3.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse or neglect. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval.

326.3.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently, it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly or vulnerable person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse or neglect that may have taken place or the potential for abuse or neglect in the future that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the older or vulnerable

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victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

Officers investigating instances classified as Adult Abuse shall notify the Command Desk to contact members of the Domestic Violence Unit. Domestic Violence personnel shall consult and assist responding officers in cases involving neglect and abuse of the elderly. It shall be at the discretion of the Domestic Violence Commander if the Domestic Violence Unit will be called out after hours to assist district offices with cases involving adult abuse and neglect.

326.3.3 NOTIFICATION

Whenever a report is taken, the officer shall notify the appropriate adult protection agency as soon as possible and make information regarding the investigation available (La. R.S. 15:1506(A)).

The Department of Health and Hospitals and Elderly Protective Services shall be notified immediately when an incident occurs regarding Adult Abuse.

Officers shall notify and forward all arrest and non-arrest cases of adult abuse and neglect to the Domestic Violence Unit. It shall be the Domestic Violence Unit's responsibility to conduct any necessary follow-up investigation and consultation with the District Attorney's Office in arrest and non-arrest instances regarding cases involving adult abuse and neglect. It is the initial officer's responsibility to take immediate appropriate action necessary to protect the abused.

326.3.4 SUPPORT PERSONNEL

The following persons should be considered for notification, via the Command Desk, if it appears an in-depth investigation is appropriate:

- Platoon Commander
- Patrol supervisor
- District Investigations Unit personnel
- Crime Lab personnel
- Parish or State Adult Protective Services Agency personnel
- Victim advocate

The Domestic Violence Unit shall be notified in cases of Adult Abuse. Immediate response will be at the discretion of the Domestic Violence detective.

326.3.5 COURT ORDERS

In any situation where an officer has reasonable cause to believe that an adult is at immediate and present risk of substantial harm or deterioration from abuse, neglect, or self-neglect, and the adult lacks the capacity to consent, or with the consent of an adult who has capacity shall contact the appropriate adult protective services agency to petition the court to obtain an order to provide emergency protective services (La. R.S. 15:1511(A)).

If the adult protection services agency is unwilling or unable to obtain a court order of protection, the handling officer should attempt to obtain the court order on the victim's behalf when possible. Action taken by the officer shall be documented in any related report.

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The officer may advise relatives, family members or friends to contact the appropriate adult protective services agency or the District Attorney to file a petition to have a court hearing regarding the abused adult (La. R.S. 15:1508(A)).

A parent or grandparent who is being abused by an adult child or adult grandchild may file a petition in the district court seeking a court protective order (La. R.S. 9:575).

326.4 ADULT ABUSE REPORTING

Every allegation of adult abuse shall be documented. When documenting adult abuse cases, include, at minimum (La. R.S. 15:1505(B)):

(a) The name, address and approximate age of the adult.

(b) The name and address of the person responsible for his/her care, if there is one.

(c) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the adult.

(d) The nature and extent of the alleged abuse, neglect or exploitation.

(e) Any evidence of previous injuries.

(f) The basis of the reporting officer's belief that the adult has been abused, neglected or exploited.

(g) The time and date the Department of Health and Hospitals and Elderly Protective Services was notified.

(h) Whether the victim was removed from the location.

(i) Any other information that would assist in the investigation of the report.

Reporting cases of adult abuse is confidential and will only be released as per the Security and Release of Records Policy (La. R.S. 14:403.2(B)).

326.5 ADULT ABUSE IN A CARE FACILITY

Officers shall report all allegations relating to the abuse, neglect or exploitation of an adult in a care facility or under the care of a facility to the appropriate adult protective services agency.

326.6 OBTAINING AN ARREST WARRANT

Officers shall promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for adult abuse.

326.7 STATE INFORMATION

To report adult or adult abuse, employees or the public may call the EPS Statewide Hotline at 1-800-259-4990 (for ages 60 and over), or 1-800-898-4910 (for ages 18-59) or contact a regional EPS office.

For questions or information, the public may call the Department of Health Services, Office of Aging and Adult Services, Adult Protective Services at 800-898-4910 or 225-342-9057. Additional information may be found on the Internet at: http://new.dhh.louisiana.gov.

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Workplace Discriminatory Harassment/Retaliation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY

The New Orleans Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to administrative discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, whether on or off duty, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, ethnicity, gender, gender identity, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, authoring crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination-free work environment.

328.3.2 RETALIATION PROHIBITED

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination or complaint, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

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This Department expressly prohibits all forms of retaliation, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment does not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Louisiana Commission on Human Rights.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors receiving information regarding violations of this policy shall determine, through an investigation, if there is any basis for the allegation and shall proceed as per Procedure 328, Discriminatory Harassment.

Retaliation for reporting misconduct or for cooperating with an investigation of misconduct is an egregious offense

328.4.1 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department after the employee has first filed an internal complaint within the Department and allowed the Department to investigate the complaint and take corrective action as needed. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.4.2 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, Employee Relations, the Personnel Director or the Chief Administrative Officer or they may contact the Louisiana Commission on Human Rights.

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328.4.3 INFORMATION POSTINGS

Managers and Commanders shall ensure that the Equal Employment Opportunity Commission (E.E.O.C.) or Louisiana Workforce Commission posters, notifications or other governmental information is properly posted in the workplace as required.

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Child Abuse Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

330.1.1 DEFINITIONS

Abuse - Any one of the following acts which seriously endanger the physical, mental or emotional health and safety of a child:

(a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.

(b) The exploitation or overwork of a child by a parent or any other person.

(c) The involvement of the child in any sexual activity constituting a crime under the laws of this state.

Child - A person under 18 years of age who, prior to juvenile proceedings, has not been emancipated.

Neglect - The refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment or counseling for any injury, illness or condition of the child. Neglect includes prenatal neglect.

330.2 POLICY

Members of the New Orleans Police Department Special Victim Section, Child Abuse Unit will investigate all reported incidents of child abuse or neglect and shall ensure the local Department of Children and Family Services (DCFS) is notified (Ch. C. 610; La. R.S. 603(15)).

Officers of the New Orleans Police Department responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall notify the Child Abuse Unit. The Child Abuse detective will determine if an incident report is required.

330.3 MANDATORY NOTIFICATIONS

Members of the New Orleans Police Department who believes that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death shall notify the Special Victims Section Child Abuse Unit who will make the appropriate notifications and/or contact the local DCFS (Ch. C. 609; Ch. C. 610).

330.3.1 NOTIFICATION AND REPORTING PROCEDURE

Notification to the DCFS should occur as follows (Ch. C. 610(B):

(a) The report shall contain the following information, if known:

1. The name, address, age, sex and race of the child.

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2. The nature, extent and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to this child or the child's siblings.
3. The name and address of the child's parent(s) or other caretaker.
4. The names and ages of all other members of the child's household.
5. The name and address of the reporter.
6. An account of how this child came to the reporter's attention.
7. Any explanation of the cause of the child's injury or condition offered by the child, the caretaker or any other person.
8. The number of times the reporter has filed a report on the child or the child's siblings.
9. Any other information which the reporter believes might be important or relevant.
10. The name of the person or persons who are thought to have caused or contributed to the child's condition.
11. The name of such person or persons if named by the child.

(b) If the initial report was made orally by a mandatory reporter, within five days it shall be followed by a written report to the local child protection unit of the DCFS.

(c) Written reports are to be made using the form available electronically on the DCFS website.

The Child Abuse Unit Detectives have been designated to ensure the notification is performed.

330.4 INVESTIGATIONS

The Special Victims Section Child Abuse Unit shall investigate every report of child abuse or neglect if a violation of a criminal statute is alleged. The Child Abuse Unit shall participate in multidisciplinary teams for the investigation of child abuse or neglect cases in accordance with local judicial protocols (Ch. C. 508; Ch. C. 509; Ch. C. 510; Ch. C. 512).

General investigations of child abuse that do not meet the multidisciplinary team criteria shall be handled in accordance with this policy and as soon as reasonably possible based upon available resources.

The duties of the staff assigned to investigate child abuse include, but are not limited to:

(a) Responsibility for the investigation, the collection of evidence and preliminary preparation for prosecution of all cases of child abuse and molestation.

(b) Investigating the custodial deaths of children that could be attributed to abuse or molestation.

(c) Investigating any instance of Sudden Unexplained Infant Death (SUID).

(d) Investigation of reports of unfit homes, child abandonment, child endangering or neglect.

(e) Coordination with other enforcement agencies, social service agencies and school administrators in the application and enforcement of the laws regarding child abuse cases.

(f) Schedule a forensic interview of the victim or victims with the Child Advocacy Center.

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All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.4.1 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 PROTECTIVE CUSTODY

Generally, officers of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, and when temporary protective custody is not mandated by law, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the minor or result in abduction. In such circumstances, the officer should advise the qualified parent or legal guardian that he/she may petition the court for either a temporary restraining order or a protective order (Ch. C. 617; Ch. C. 618). If this is not a reasonable option, the officer shall ensure that the minor is delivered to the DCFS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Before taking any child into protective custody, the officer shall contact the Child Abuse Unit. The Child Abuse detective will determine if a protective custody is warranted. The officer will transport the child to the New Orleans Police Department Juvenile Unit. The Juvenile detective will contact DCFS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to child welfare authorities such as the DCFS

In Louisiana, an officer may:

(a) Take a child into temporary protective custody without a court order if there are reasonable grounds to believe that the child's surroundings endanger his/her welfare and immediate removal appears necessary (Ch. C. 621).

1. Prior to taking a child into temporary protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the minor or result in abduction. If this is not a reasonable option, the officer shall promptly notify and release the child to the DCFS.

2. Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into temporary protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into temporary protective custody.

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(b) File a verified complaint with the court alleging that there are reasonable grounds to believe that the child is in need of care and that emergency removal is necessary to secure the child's protection (Ch. C. 619(A)).

1. If the officer believes the danger is imminent, he/she shall relay the facts supporting the issuance of the order orally or by telephone to the judge and submit an affidavit of the information to the court within 24 hours (Ch. C. 620).

330.6 INTERVIEWS

330.6.1 PRELIMINARY INTERVIEWS

Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.6.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR INTERVIEWS

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.6.3 RECORDING CHILD ABUSE VICTIMS

Any interview of the alleged child abuse or neglect victim shall be video and/or audio recorded as permitted by state law. If requested by a parent, any interview of the child or a parent must be recorded (Ch. C. 612). Interviews concerning reports of sexual child abuse are strongly encouraged to be video-recorded. If video equipment is not functional, the interview shall be audio recorded.

330.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

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330.8 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.8.1 SUPERVISOR RESPONSIBILITIES

The Child Abuse supervisor should:

(a) Work with professionals from the appropriate agencies, including the Louisiana Department of Children and Family Services (DCFS), other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate the interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Provide Policy and Planning unit, through the chain of command, information to develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

330.10 CHILD DEATH REVIEW PANEL

The Louisiana State Child Death Review Panel has established standardized investigation protocols to investigate deaths of children (La. R.S. 40:2019(D). This department shall cooperate fully with any such panel and investigation.

330.11 RELEASE OF REPORTS

Reports of child abuse or neglect shall be confidential and may only be disclosed pursuant to state law and the Security and Release of Records Policy (La. R.S. 46:56; Ch. C. 616(B)).

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Missing Person Reporting

332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State laws, as well as federal law, specify certain requirements relating to missing persons (La. R.S. 14:403.3; La. R.S. 40:2521; La. R.S. 46:1431; La. R.S. 46:1844(P) and 42 USC 5779(a)).

332.1.1 DEFINITIONS

Definitions related to this policy include (La. R.S. 15:653; La. R.S. 40:2530.3; La. R.S. 46:1431):

Amber Alert - Amercia's Missing: Broadcasting Emergency Response,

Missing child - Any individual under the age of eighteen years, whose temporary or permanent residence is in Louisiana, whose location has not been determined and who has been reported missing to a federal or state law enforcement agency (La. R.S. 46:1431).

Missing person - Any Louisiana resident who has been reported missing to local or state law enforcement agencies.

Missing person with developmental disabilities - A person whose whereabouts are unknown, whose domicile at the time he/she is reported missing is in this state and whose disappearance poses a credible threat to his/her safety and health.

Missing senior citizen - A person whose whereabouts are unknown, whose domicile at the time he/she is reported missing is in this state, who is sixty years of age or older and whose disappearance poses a credible threat to his/her safety and health.

Silver Alert - A public notification system to broadcast information about missing persons, especially seniors with Alzheimer's Disease, dementia, or other mental disabilities in order to aid in their return.

332.2 REPORT ACCEPTANCE

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay. A missing person report shall be accepted regardless of jurisdiction. The missing person report shall contain at a minimum:

(a) The name of the reporting person

(b) The relationship of the reporting person to the missing person

(c) The name, age, address and all identifying characteristics of the missing person

(d) The length of time the person has been missing

(e) Other information deemed relevant

For all reports involving a missing child, department personnel should request that a member of the family or next of kin authorize the release of the medical and dental records of the missing child for analysis by the Louisiana Repository for Unidentified and Missing Persons.

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In all missing persons cases where foul play is suspected the District Investigative Unit shall be notified.

332.3 INITIAL RESPONSE AND INVESTIGATION

Patrol personnel should handle the initial missing person report and conduct a preliminary investigation involving additional resources as necessary. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway.

The handling officer shall immediately contact such persons and, using interpretive services as reasonably necessary, make inquiries concerning the missing person and make an assessment of reasonable steps to be taken to locate the person. The initial investigation should include:

(a) Interviewing the persons who made the initial report, and if the person is a child, the child's parent or guardian.

(b) Determining when, where and by whom the missing person was last seen.

(c) Interviewing the individual who last had contact with the person.

(d) Obtaining a detailed description of the missing person, abductor, vehicles and other pertinent information.

332.4 INVESTIGATIVE PROCEDURES AND DILIGENCE

If an initial investigation reveals that a person appears to be missing, further actions may be necessary. The investigating officer should determine from the information available whether a physical search is appropriate. If it appears from the situation that the missing person's safety may be endangered or there are missing children, each of the following actions should be performed:

(a) If a search is warranted, conduct a search of the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.

(b) If a search is not warranted or does not locate the missing person, additional investigation may be required, including:

1. A neighborhood/vehicle canvas.
2. Identifying persons at the scene and conducting separate interviews.
3. Documenting actions, telephone communications and other activities.
4. Assigning an investigator or officers whose duties will include coordination of the investigation.
5. Involvement of the media.
6. If the missing person is under 13 years of age or there is evidence the person is missing under suspicious circumstances, the Communications Center shall broadcast over the radio or send a mobile computer "be-on-the-lookout" (BOLO) transmission without delay within this jurisdiction.
7. If foul play is suspected a member of ISB shall be notified immediately.

The agency having jurisdiction over the missing person's residence normally will handle the investigation after the initial report is taken. However, department members may assist other agencies, including federal agencies, in the investigation of any person who was last seen in this jurisdiction.

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During missing person investigations, the handling investigator shall attempt to obtain the most recent photograph available of the missing person. The photograph will be forwarded to the Louisiana Repository for Unidentified and Missing Persons. These photographs may be used for public information bulletins without written authorization.

332.4.1 INVESTIGATIVE RESOURCES AND SUPPORT

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Personnel providing assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or a person whose safety appears endangered. If necessary, use the International Justice and Public Safety Network (NLETS), the AMBER Alert™ network and the Silver Alert program to alert state, regional and federal law enforcement agencies.

Resources that should also be considered in the investigation of a missing person case include, but are not limited to:

- Local FBI office
- Local Medical Examiner
- National Missing and Unidentified Persons System (NamUs), www.namus.gov
- Louisiana Clearinghouse for Missing and Exploited Children, 1-800-434-8007.
- National Center for Missing and Exploited Children, www.missingkids.com, 800-THE-LOST, including Project ALERT (America's Law Enforcement Retiree Team) and Team Adam
- Any other agencies and/or resources that may be available to assist in the investigation of the case

332.4.2 AMBER AND SILVER ALERT CRITERIA

Criteria for Amber and Silver Alerts are:

Amber Alert Criteria:

- Confirmation that an abduction has taken place;
- Child must be at risk of serious injury or death;
- Sufficient descriptive information of child, captor, or captor's vehicle; and
- The child must be 17 years old or younger.

Silver Alert Criteria:

- 60 years of age or older with a diagnosed mental impairment

332.4.3 INVESTIGATION OF MISSING SENIOR CITIZENS AND MISSING ADULTS WITH DEVELOPMENTAL DISABILITIES

If it is determined the person is a missing senior citizen or a missing adult with developmental disabilities, the handling officer shall immediately:

(a) Ensure that identifying and descriptive information about the person and involved suspects and vehicles are broadcast regionally, statewide, and nationally.

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(b) Consult with the Louisiana State Police and request assistance as necessary.

(c) Secure the crime scene and/or last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.

(d) Implement multijurisdictional coordination and mutual aid plans when necessary. Factors to consider include:

1. Inadequate department resources
2. The investigation crosses jurisdictional lines
3. Existence of pre-established task forces or investigative teams

(e) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

(f) Activate protocols for working with the media including AMBER Alert and Silver Alert.

332.4.4 INVESTIGATION DUTY MISSING CHILD

Upon receiving and verifying a report of a missing child, the New Orleans Police Department shall enter the information within two hours into the Louisiana Clearinghouse for Missing and Exploited Children (LACMEC)/National Crime Information Center (NCIC) missing person databases (42 USC 5780(3); RS 40:2521).

In conducting an investigation of a missing child, the New Orleans Police Department shall:

(a) Conduct a preliminary investigation and classify the cause of the disappearance of the child as runaway, abducted by parent, abducted by a stranger or cause of disappearance unknown and shall:

1. Immediately notify such persons and make such inquiries concerning the missing child as necessary.
2. Utilize a family liaison to maintain communication with the family of the missing child.
3. Fully comply with the requirements of the National Child Search Assistance Act of 1990, Title XXXVII of Public Law 101-647, 104 Stat. 4966.
   (a) Verify and update original LACMEC/NCIC entries with any additional information within 30-60 days of entry.
4. Enter into the LACMEC/NCIC Missing Person File database, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.
5. Enter into the LACCH/NCIC Wanted Person File any warrant information for the arrest of a person suspected in the child's disappearance or concealment, including identifying and descriptive information concerning:
   (a) The suspect.
   (b) As miscellaneous information, the missing child.
6. Determine whether the circumstances regarding the missing child meet the criteria for an AMBER Alert activation (see Public Alerts Policy).

(b) Cross-reference and integrate all information into the LACMEC/NCIC Missing Person File.

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(c) The Department may notify, as soon as appropriate, the school in which the missing child is or was most recently enrolled or the parish school superintendent if the child was being instructed at home, that the child is the subject of a missing child report and that the child's school records are to be flagged in case the child reappears within the state.

(d) The Department may contact the state registrar in the state of the child's birth to flag the child as missing on his/her birth certificate.

(e) Inform family members of the missing child of the status of the investigation (La. R.S. 46:1844(P)).

(f) When a missing child has not been located within 30 days after a report is filed, the assigned investigator shall:

1. Confirm authorization for consent to obtain dental and medical records.
2. Send to the child's parent or guardian a request for certain identifying information regarding the child that the NCIC recommends to be provided.
3. Request the child's parent or guardian to provide such identifying information regarding the child.
4. Upon receipt of the medical or dental records, enter the information into the LACMEC and NCIC database.

(g) Upon notice by a parent or guardian that a child reported as missing has been found or returned, an officer should conduct a recovery interview to verify that the child has returned and provide referrals to minimize the potential for reoccurrence. The Department shall enter the updated information into the LACMEC and NCIC database and shall inform any school that was notified that the minor is no longer a missing child.

332.4.5 CRIME SCENE INVESTIGATION/MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base placed into operation a reasonable distance from the crime scene. The supervisor designed as the Command Post Supervisor shall ensure the following persons (if needed) are identified:

- Public Information Officer
- Search coordinator
- Investigative Coordinator
- Support Unit Coordinator.

The Command Post Supervisor shall designate two liaison officers (one at the command post and one at the home of the missing person). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigator of the crime should consider various elements, including:

(a) Establishing the ability to trap and trace all incoming calls. Consider setting up a separate telephone line or cellular telephone for Department use and follow up on all leads.

(b) Compilation of a list of known sex offenders in the region.

(c) In cases of infant abduction, investigate claims of home births made in the area.

(d) In cases involving children, obtain child protective agency records for reports of child abuse.

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(e) Review of records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtaining the missing person's medical and dental records, fingerprints and DNA when practicable or within 30 days.

(g) Creating a missing person profile with detailed information obtained from interviews of family and friends, and records describing the missing person's heath, relationships, personality, problems, life experiences, plans and equipment.

(h) Update the LACMEC/Louisiana Repository for Unidentified and Missing Persons/NCIC file, as necessary, with any additional information, regarding the missing person, suspect and vehicle.

(i) Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers and others.

(j) For persons under the age of 21, contacting the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.

(k) Determining whether outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including the following:

1. Available search and rescue resources
2. Investigative resources
3. Interpretive services
4. Telephone services, such as traps, traces and triangulation
5. Media assistance from local and national sources

(l) Use of secure electronic communication information, such as the missing person's cellular telephone number, e-mail address and social networking site information.

(m) Appointing an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or the designee. Provide contact information and the family information packet (if available) to the family/reporting party or the designee.

332.5 NOTIFICATION AND DOCUMENTATION RESPONSIBILITIES

Missing person reports require special handling and timely notifications. Information that is not immediately available and obtained at a later time shall be documented in a supplemental report as required.

Records and Identification Section personnel shall immediately enter reports of missing persons into the LACMEC, the Louisiana Repository for Unidentified and Missing Persons and NCIC as appropriate (42 USC 5780(3); La. R.S. 40:2521).

The following procedures should be completed based upon the type of missing person:

(a) Endangered child

1. Immediate entry into LACMEC/NCIC with the appropriate missing person flag
   (a) Child abduction flag - automatic notification to FBI National Center for the Analysis of Violent Crimes (NCAVC) and NCMEC
   (b) AMBER Alert flag - automatic notification to FBI and NCMEC
2. Send BOLO (Be on the Look Out for) electronic notification without delay
3. Check with Medical Examiner Office within 24 hours

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4. Obtain and enter dental records into LACMEC/NCIC within 24 hours
5. Obtain and enter a recent photograph of missing child into LACMEC/NCIC within 24 hours
6. Provide written notice and photograph of missing child to the child's school within 10 days

(b) Child not endangered (Under 21 years of age)

1. Place entry into LACMEC/NCIC within two hours
2. Send BOLO electronic notification without delay
3. Check with Medical Examiner Office immediately after the 14 days missing
4. Obtain and enter dental records into LACMEC/NCIC within 24 hours after the 14 days missing
5. Obtain and enter a recent photograph of missing child into LACMEC/NCIC within 24 hours after the 14 days missing
6. Provide written notice and photograph of missing child to the child's school within 10 days

(c) Missing senior citizen or missing person with developmental disabilities

1. Place entry into the Louisiana Repository for Unidentified and Missing Persons/NCIC within four hours
2. Send BOLO electronic notification without delay
3. Check with Coroner's Office immediately after the person is missing for more than 45 days
4. Obtain and enter dental records into the Louisiana Repository for Unidentified and Missing Persons/NCIC after the person is missing 45 days

(d) Adult not endangered

1. Place entry into the Louisiana Repository for Unidentified and Missing Persons/NCIC within 45 days
2. A BOLO electronic notification can be sent without delay but is not required
3. Check with Medical Examiner Office immediately after the 45 days missing
4. Obtain and enter dental records into the Louisiana Repository for Unidentified and Missing Persons/NCIC after 45 days missing

332.5.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

Missing person reports should be disseminated to other law enforcement agencies who may become involved in the investigation. When the New Orleans Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Division shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen.

332.5.2 ELECTRONIC NOTIFICATIONS

When a missing person is under the age of 21, Records Division personnel shall send electronic notification to the NCIC within two hours after accepting the report (42 USC § 5779(a) and 42 USC § 5780(3)). The electronic notification must note if the case involves a person whose safety appears to be endangered.

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332.5.3 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the handling investigator must check with the appropriate medical examiner and send to the U.S. Department of Justice (DOJ) a photograph and dental records, and verify and update the record with any additional information as warranted.

If dental records are unobtainable, the appropriate update to the record should be made. The assigned detective should verify and update the required missing person databases within 60 days of the original entry of the missing person into the systems and within 45 days thereafter until the missing person is located. The initial follow-up entry shall not exceed 60 days from the date of original entry. The assigned detective must also make reasonable efforts to locate the missing person and document these efforts with a supplemental report at least every 45 days. These reasonable efforts will include, if the missing person is under the age of 21, maintaining a close liaison with the National Center for Missing and Exploited Children (42 USC § 5780(4)(a)). Officers investigating missing person cases may also consider the National Missing and Unidentified Persons System (NamUs), www.findthemissing.org, as an additional resource.

332.6 MISSING PERSON LOCATED

When a missing person is located, the appropriate actions related to the type of recovery are required:

(a) When a missing person is located alive, the investigation may be concluded after completion of the following:

1. Verification that the located person is the reported missing person.
2. If appropriate, arranging for a comprehensive physical examination of the victim.
3. Conducting a careful interview of the person, documenting the result of the interview and involving all appropriate agencies.
4. Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be informed of this information.
5. Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or the family/reporting party.
6. Canceling alerts (AMBER Alert or Silver Alert), removing the case from LACMEC, the Louisiana Repository for Unidentified and Missing Persons and NCIC and other information systems and removing posters and other publications from circulation.
7. Performing a constructive post-case critique, reassessing the procedures used and updating the department policy and procedures as appropriate.

(b) When a missing person is located and is deceased, additional investigation includes the following:

1. Securing the crime scene if this department has jurisdiction.
2. Contacting the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collecting and preserving any evidence at the scene.
4. Depending on the circumstances, considering the need for intervention, counseling or other services for the family/reporting party.

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5. Canceling alerts and removing the case from NCIC and other information systems, removing posters and other publications from circulation.
6. Performing a constructive post-case critique, reassessing the procedures used and updating the department policy and procedures as appropriate.

332.6.1 RECOVERED MISSING DATA ENTRY

When a missing person who was reported by another jurisdiction is located, the Department shall notify the original law enforcement agency having jurisdiction over the investigation and that agency shall cancel the entry from the LACMEC, the Louisiana Repository for Unidentified and Missing Persons and NCIC computer.

When this department discovers that a missing person whose investigation is being handled by this department has been found, the Records Division shall cancel the entry in the LACMEC, the Louisiana Repository for Unidentified and Missing Persons and NCIC and call the Louisiana State Police to verify cancellation. If a missing person under the age of 21 is located, the detective must ensure that an electronic notification is sent within 24 hours to the DOJ.

332.7 DNA SAMPLE COLLECTION

In any case in which a report is taken concerning a person missing under suspected criminal circumstances, the handling investigator should, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available.

After 30 days, the handling investigator shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports should be sent to the Louisiana State Police for analysis and entry into national missing person databases.

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Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), including but not limited to local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

The department will make every reasonable effort to ensure the criteria for EAS activation exists prior to its use. The department acknowledges the potential harm and detriment that over utilization or false information could cause to the Amber Alert System. The department will take all necessary precautions to authenticate information and limit the number of interruptions of local radio and television broadcasts.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the New Orleans Police Department should notify their supervisor or the Platoon Commander as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Superintendent of Police, the appropriate Bureau Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

334.4 AMBER ALERTS

The Louisiana AMBER Alert program coordinates the efforts of law enforcement, the media, and the public in an effort to safely recover abducted children.

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334.4.1 CRITERIA

The activation criteria for a Louisiana AMBER Alert require that:

(a) Law enforcement confirms a child, aged 17 or under, has been abducted.

(b) Law enforcement believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.

(c) There must be enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help the case when the missing child is under the age of 17 and thought to be in imminent danger and/or criminal activity must be suspected in the disappearance.

334.4.2 PROCEDURE

The following is the procedure for initiating a Louisiana AMBER Alert.

The investigator's immediate supervisor must complete the Louisiana Amber Alert System Initial Reporting Form (available at http://www.lsp.org/pdf/AmberAlert.pdf), providing as much information as possible, sign the document and electronically mail or fax the form with a photograph, if available, of the missing person to:

Louisiana State Police (LSP), Troop F located in Monroe.

TELEPHONE #: 318-345-0000

FAX #: 318-362-5198

EMAIL: amberalert@dps.state.la.us

If a photograph is not sent with the Initial Reporting Form one should be sent as soon as possible when available.

334.4.3 LSP ACTIONS

(a) The LSP determines whether an AMBER Alert is authorized after considering the information contained on the form to ensure it meets the criteria for an AMBER Alert. The elements considered are:

1. Is there reasonable belief by law enforcement that an abduction has occurred?
2. Is the child 17 years of age or younger?
3. Does the Department believe that the child is in imminent danger of serious bodily injury or death?
4. Is there enough descriptive information about the victim and/or the abductor(s) to make the issuance of an AMBER Alert viable enough to assist in the recovery of the child?
5. Has the Department entered the child's name and other vital data in National Crime Information Center (NCIC)using the Child Abduction code CA (using this code upon entry will automatically notify the National Center for Missing and Exploited Children (NCMEC))?

(b) If the circumstances meet the criteria for an AMBER Alert to activate the statewide EAS, the alert process will be initiated.

1. Following an initial alert, an Amber Alert will be broadcast every 20 minutes, during the first three hours and every 30 minutes thereafter for the next two hours or until such time that an end of alert message is received from this

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department. The End of Alert message will be further disseminated by the LSP.

2. Local and statewide broadcast stations will exercise their own independent discretion to repeat the broadcasts more frequently and determine the frequency in which the alert is re-broadcast following expiration of the above mentioned five hour period following the initial alert.

(c) If the circumstances do not meet the criteria for an AMBER Alert to activate the statewide EAS, the LSP may offer an alternate form of mass notification, including.

1. A photograph and Louisiana AMBER Alert System Initial Reporting Form may be e-mailed through a statewide network of law enforcement agencies, news media offices and other forms of public communication.
2. The e-mail will contain information taken from the Louisiana Amber Alert System Initial Reporting Form submitted by the New Orleans Police Department (i.e. name of missing child, physical and clothing descriptions, location last seen, time of disappearance, whether the New Orleans Police Department is requesting general e-mail notification, contact name and telephone number.)
3. Requesting completion and submission of the Louisiana Level II Media Advisory Form (available at http://www.lsp.org/pdf/AmberLevel2.pdf).
4. The e-mail alerting news media and law enforcement of a child's disappearance which does not meet the criteria of an Amber Alert! EAS activation will include a statement that this department is requesting distribution of the information although it does not meet the criteria for and AMBER Alert EAS activation

(d) Should information and evidence arise in an incident that does not initially meet the criteria for Amber Alert activation, the LSP should be immediately provided that information and asked to reconsider an Amber Alert activation of the EAS.

334.5 MISSING CHILDREN

Missing children requires special procedures, including the following:

(a) While investigating a possible missing child, District personnel shall consider the following elements as a possible Amber Alert case:

1. The supported threat of imminent harm or death to the missing child.
2. The age of the child, (seventeen years or younger).
3. The time of initial report or police response vs. time of the disappearance.
4. Reliable witness information.
5. Possible domestic or parental dispute involving the child.
6. Other facts that indicate the child was abducted or is in danger of serious injury or death (i.e., witnessed kidnapping, witnessed abuse, or violence toward the child).

(b) If the criteria for an Amber Alert are met, district personnel will notify the Child Abuse Unit or the Command Desk requesting a Child Abuse detective contact the investigating officer either by telephone or radio. The investigating officer will supply the Child Abuse detective with all pertinent information substantiating the need for an Amber Alert. If the Child Abuse detective concurs that the criteria for an Amber Alert are met, he/she shall:

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1. Immediately notify the Commander of the Special Victims Unit who shall in turn authorize an Amber Alert;
2. Notify the PIO that an alert has been authorized, requesting he/she respond to the scene;
3. Contact the command desk supervisor, supplying all information for the Amber Alert system initial reporting form; and
4. Respond to the scene to take command of the investigation.

(c) The Child Abuse detective will complete an Amber Alert System Initial Reporting form (Form #54), also referred to as a script. A copy of the report form will be forwarded to the Public Information Office prior to the Child Abuse detective completing his/her tour of duty.

1. Where speed is of the essence, the Child Abuse detective may contact the Public Information Office personnel by telephone or radio supplying the information on the Amber Alert System Initial Reporting form (Form #54). Public Information Office personnel will use the supplied information to initiate the alert.

(d) Upon receipt from the Child Abuse detective, the Louisiana State Police will be responsible for sending the EAS signal.

(e) Upon receipt of verification the child has been located, the commander of the Special Victims Unit will at his discretion, instruct the PIO or a Child Abuse detective to issue an end of alert message to the media via the established Amber Alert e-mail list. The PIO will notify all media outlets via the City News Channel

(f) Investigating officers shall consider the use an NCIC information bulletin to notify other jurisdictions outside Louisiana of the missing individual in cases where a child may have been abducted. All possible information shall be included in the bulletin but not be limited to the following:

1. Physical description of the child, including clothing worn at the time abducted.
2. Physical description of the individual suspected of the abduction, including a clothing description.
3. All information as to the description of the vehicle used.
4. Descriptions of accomplices.
5. Direction of flight.
6. The time of the offense.

334.6 PUBLIC INFORMATION OFFICE (PIO)

The Public Information Officer shall have primary responsibility for sending the message.

It shall be the responsibility of the individual sending the alert to broadcast alert tones, followed by a verbal notification of the abduction information over the City News channel & the radio system. All Television news stations currently monitor the channel, as does WWL Radio (the EAS Alert station for this area). This will alert all stations to be on the lookout for the information that will follow.

The PIO will e-mail the text of the script to the media which are on the established Amber Alert e-mail list, including any additional information and photographs of the missing child, if available.

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Within five working days of an Amber Alert, the PIO Commander shall request a meeting with the Special Victims Unit Commander and representatives from the media to evaluate the operation of the Amber Alert, with the goal of improving future Amber Alerts.

Investigators will decide if the message should be regional or if various states should be included in the notification.

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Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources and that the agency meets all related legal mandates.

336.2 POLICY

The City of New Orleans is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the City of New Orleans will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Superintendent may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will serve as the point of contact for individuals requiring further assistance or information from the New Orleans Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 BASIC RIGHTS FOR VICTIMS AND WITNESSES

Services and information concerning services available to victims and witnesses of a crime (La. R.S. 46:1844; Ch. C. 811.1).

336.3.2 INVESTIGATOR RESPONSIBILITIES

The investigator is responsible for coordinating private rooms for victim interviews and establishing a protocol for their use.

336.3.3 RECORDS AND IDENTIFICATION SECTION RESPONSIBILITIES

The Records and Identification Section shall be responsible for establishing safeguards designed to prevent the improper release of information related to juvenile victims and victims of sex offenses.

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

336.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers shall ensure that crime victims and witnesses receive emergency, social and medical services as soon as possible. Officers also shall provide crime victims with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice's victim notice and registration form (La. R.S. 46:1844).

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336.5 VICTIM INFORMATION AND NOTIFICATION

The Management Services supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U Visa and T Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number and any applicable case or incident number.

(k) Notifications to domestic abuse victims of their right to initiate criminal or civil proceedings and to seek a court order (La. R.S. 46:2136; La. R.S. 46:2140).

(l) Information for victims and/or their family members as set forth in La. R.S. 46:1844 and Ch. C. 811.1.

(m) Louisiana Commission on Law Enforcement and Administration of Criminal Justice Victim notice and registration forms, as provided for in La. R.S. 46:1842(8).

(n) Louisiana Domestic Violence Hotline telephone number.

(o) Address confidentiality program for victims of abuse, sexual assault or stalking (La. R.S. 44:52).

(p) Victim Assistance Hotline telephone number (La. R.S. 46:1844).

(q) Crime Victim's Reparations Board eligibility information.

(r) Notification to victims that they may be contacted by other members of the New Orleans Police Department or the District Attorney's office, all of whom should have appropriate credentials.

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

338.1 PURPOSE AND SCOPE

The New Orleans Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 GENERAL STATUTES

Hate Crime Statistical Act (HCSA) - Enacted in 1990, the HCSA requires the Justice Department to acquire data on crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity from law enforcement agencies across the country and to publish an annual summary of the findings. In the Violent Crime Control and Law Enforcement Act of 1994, Congress expanded coverage of the HCSA to require FBI reporting based on disability .

State Laws - La. R.S.14:107.2; La. R.S.14:225; La. R.S.14:62.6; La. R.S.14:40.4

Article VI, **Offenses Affecting the Public Generally**, Code of Ordinances, City of New Orleans Section 54-380, Hate Crimes and Chapter 54 of the Criminal Code for the City of New Orleans Code of Ordinances, Section 54-379, Intimidation.

338.3 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

338.4 CRIMINAL STATUTES

State law creates penalty enhancements for identified crimes knowingly motivated because of race, age, gender, color, religion, creed, disability, national origin, sexual orientation or ancestry of the victim or victims including membership, service or employment with an organization (La. R.S. 14:107.2).

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

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338.6 ELEMENTS TO CONSIDER IN IDENTIFYING A HATE CRIME

The following elements should be considered when identifying a hate crime:

- Are the motives of the alleged offender known?
- Was the incident known to have been motivated by racial, religious, ethnic, sexual orientation bias or as a result of a disability?
- Did the victim perceive the action or the offender to be motivated by bias?
- Is there any other clear motivation for the incident?
- Were any racial, religious, ethnic, sexual orientation bias or disability related remarks made by the perpetrator?
- Were any offensive symbols, words, or acts known used by a hate group, or evidence of bias against the victim or group present?

338.7 PROCEDURE FOR INVESTIGATING HATE CRIMES

338.7.1 INVESTIGATING OFFICER'S RESPONISBILITIES

The initial investigation and preliminary classification of a crime as hate motivated is the responsibility of the investigating officer. The investigating officer shall be sensitive to the victim and to members of the community during his/her investigation.

Officers shall contact his/her immediate supervisor upon determination of the incident being a hate crime.

The investigating officer shall:

(a) Interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. Witnesses and victims who are not charged with a crime under state law shall not be detained exclusively for a suspected immigration violation.

(b) Depending on the situation, request additional assistance from investigators or other resources to further the investigation.

(c) Include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and will be completed and submitted by the assigned officer before the end of the shift.

(d) Make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(e) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Protective Order through the courts or District Attorney or City Attorney).

Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

The assigned officer is responsible for notifying the Homeland Security Unit and providing that unit with a copy of the report(s) documenting a Hate Crime investigation within three working days after the report is approved by a supervisor.

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338.7.2 SUPERVISOR'S RESPONSIBILITIES

A supervisor involved in the on-scene investigation and/or reviewing the incident report will verify the crime is properly classified as a Hate Crime .

338.7.3 DISTRICT INVESTIGATIVE UNIT OR FOLLOW-UP UNIT RESPONSIBILITIES

The District Investigative Unit or the appropriate follow-up unit will conduct a follow-up investigation.

A copy of the report(s) documenting a Hate Crime investigation will be delivered to the Homeland Security Unit within three working days after the report is approved by a supervisor.

338.7.4 HOMELAND SECURITY UNIT

The Homeland Security Unit will review the incident report(s), and determine if the incident meets the Federal Uniform Crime Report standards to classify the incident as a Hate Crime for UCR purposes.

The Homeland Security Unit will forward to the appropriate federal agency the required data on hate/bias crimes. The periodic dates for submission are set by the federal agency responsible for the collection of the data.

338.8 FEDERAL HATE CRIME REPORTING

The Records Manager should include hate crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records and Identification Section procedures and in compliance with (28 USC § 534(a)).

338.9 TRAINING

All officers of this department shall receive training on hate crime recognition and investigation and shall attend annual training which incorporates a hate crime training component.

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Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

342.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the City of New Orleans/New Orleans Police Department that are provided for use by department employees.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.2 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy that the employee, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on department computers or systems. A department supervisor or the authorized designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee or related to the employee's duties, an alleged or suspected violation of any department policy, request for disclosure of data, or a need to perform or provide a department service.

342.4 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus,

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employees are not permitted to install personal copies of any software onto the computers owned or operated by the Department.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the department while on department premises or on a department computer system.

342.5 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources, including Internet access provided by, or through, the City of New Orleans, shall be strictly limited to department-related business activities. Data stored on, or available through, department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or department business-related purpose to access such data.

Internet sites containing information that is not appropriate or applicable to department use shall not be intentionally accessed. These prohibited internet sites include, but are not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted for investigative or department related business purposes with the approval of a unit commander.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.6 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system. If any employee damages a system or electronic device, then he/she will be personally liable for the repair and/or replacement of said system or device.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Employees must keep their system access information (username and password) confidential and shall not share this information with others.

342.7 ASSISTANCE WITH INFORMATION SYSTEM HARDWARE AND SOFTWARE

Users who have a problem with information system hardware or software, to include desktop phones, shall contact the City of New Orleans Information Technology and Innovation helpdesk. Helpdesk personnel will, if possible, immediately resolve the problem or else they will assign a work order to track the issue until it is resolved. If another City of New Orleans entity is better suited to resolve the technology problem, the ITI helpdesk personnel will direct you to this office for assistance.

For assistance with department issued cell phones, department installed mobile data computers or department installed mobile video/audio systems, contact the NOPD Information Technology Section.

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Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document accurate and sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Completed incident reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity as appropriate. The fact that a victim does not desire prosecution is not an exception to documentation. Examples of incidents that require documentation include, but are not limited to:

(a) When an arrest is made on a state charge.

(b) An arrest of a juvenile.

(c) Cases involving a known or unknown wanted subject who is to be charged with a state or municipal offense.

(d) Burglaries of a home or business.

(e) Robberies.

(f) Thefts.

(g) When an arrest is made of a wanted subject.

(h) Cases involving domestic violence.

(i) Identity thefts (La. R.S. 14:67.16H(1)).

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344.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved reporting method include, but are not limited to:

(a) Anytime an officer points a firearm at any person.

(b) Any use of physical force by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see Firearms and Officer-Involved Shooting policies).

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy).

(e) Any found property or found evidence.

(f) Any incident involving the death of a human being (see the Death Investigation Policy).

(g) Any traffic crashes above the minimum reporting level (see the Traffic Crash Response and Reporting Policy).

(h) Incidents which result in damage to city owned property.

(i) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(j) All protective custody detentions.

(k) Suspicious incidents that may place the public or others at risk.

(l) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

344.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved reporting method (see generally (La. R.S. 33:5713A):

(a) Suspicious, unexpected, or unusual deaths

(b) Sudden, accidental or violent deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Deaths due to criminal activity

(f) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(g) Found dead bodies or body parts

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of any City of New Orleans employee. Reports also shall be taken when there is damage to city property or city equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

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(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

344.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records and Identification Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records and Identification Section may be corrected or modified by the authoring employee only with the knowledge and authorization of his/her supervisor.

344.5 ELECTRONIC SIGNATURES

The New Orleans Police Department has established an electronic signature procedure for use by all employees of the Department. Employees may only use their electronic signature for official reports or other official communications.

Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

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Complaint Signals - Changing of Item Signals or Dispositions

345.1 PURPOSE AND SCOPE

The following set of guidelines shall be used when it becomes necessary to change the signal or disposition of an item number which has already been marked up (closed) by the primary unit.

345.1.1 DEFINITION

Definitions related to this policy include:

Primary Unit - The police unit as indicated in the Computer Aided Dispatch System as the unit responsible for handling the call for service and responsible for relaying the appropriate disposition.

Signal - The alpha numeric identifier given a particular call for service which was in place at the time the item was closed.

Disposition - A valid identifier which was added to the item at the time it was closed, such as, but not limited to:

- Necessary Action Taken (N.A.T.)
- Report to Follow (R.T.F.)
- Unfounded (UNF)
- Gone on Arrival (GOA)

District/Division Commander - Under normal circumstances the commissioned employee holding the Position of Police Commander or above.

345.2 INSTRUCTIONS

All calls for service generated through the Computer Aided Dispatch System shall have a unique alpha numeric identifier referred to as the item number.

The primary unit shall have the responsibility of providing an appropriate disposition for each item thus causing the item to be closed.

- The dispatching of calls for service, giving dispositions, or changing of unit status shall not be conducted over the telephone.
- Should special circumstances require that a dispatcher be contacted by telephone, such calls should be routed through the Command Desk.

If, after the item has been closed, it becomes necessary to change either the signal or disposition of item the following shall occur:

(a) Platoon supervisors are authorized to change the dispositions, locations, etc. of any item numbers within 24 hours of the item being closed (marked up). After 24 hours, a Change of Signal or Disposition Form (Form 226) shall be completed as indicated below:

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(b) Form 226 shall be completed by the platoon commander, or in his absence, the platoon supervisor on duty at the time the item was handled.

(c) Form 226 shall be completed in its entirety with a complete explanation of the reason for the change. If the item number (incident) has an associated police report (R.T.F.) then a supplemental report shall be created containing details documenting the circumstances associated with the need for a signal/disposition change.

(d) The completed form shall be forwarded to the Division/District Commander for approval. Substitute endorsement by individuals other than the Division/District Commander are not allowed.

(e) Upon approval, the original shall be forwarded to the Record and Identifications Section for updating. One copy of form 226 shall be forwarded to Communications Services and one copy shall be forwarded to the Technology Section. Distribution will be made by the unit requesting the correction.

(f) A copy of the submitted form shall be maintained at the Division/District level.

The platoon commander or supervisor completing the form shall be able to articulate reasons for the change. If the item number (incident) has an associated police report (RTF) then before approving form 226, the approving platoon supervisor and District/Division Commander shall review the original and supplemental report associated with the request for signal or disposition change.

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Office of Media Relations/Public Affairs

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 THE PUBLIC INFORMATION FUNCTION

Police related incidents and their results are matters of public concern. The New Orleans Police Department is committed to establishing a cooperative climate in which the news media may obtain timely and accurate communication pertaining to issues within legal purview, except, in those instances where the law enforcement process or fair administration of justice might be hampered by premature disclosure of information to the public.

The Office of Media Relations/Public Affairs is part of the Office of the Superintendent and shall be responsible for the following:

(a) Acting as the official department spokesperson for all release of information to the news media.

(b) Informing the public through the news media of current police operations and services.

(c) Serving as liaison with the news media in order to maintain a good rapport between the news media and the Department.

(d) Gathering pertinent news worthy information from all commands for dissemination to the news media.

(e) Responding to crime scenes, major incidents and events which will draw media attention and to coordinate the release of information to the news media.

(f) Processing and issuing press releases to media representatives.

(g) Maintaining responsibility for preparation of the Office of Media Relations/Public Affair's annual report.

(h) Coordinating, assisting and authoring the release of information concerning confidential agency investigations and operations.

346.3 PUBLIC STATEMENTS AND APPEARANCES

Information released to the general public and representatives of the news media concerning the New Orleans Police Department, or its operations is considered a public statement.

Members shall not publicly criticize or ridicule the Department, its policies or other members by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matter of the Department while holding themselves as having an official capacity in such matters without official sanction or proper authority. Members may lecture on police or other related subjects only with the prior approval of the Superintendent of Police or his/her designee.

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346.4 PRESS RELEASE PROCEDURES

The Office of Media Relations/Public Affairs officer shall, assist at news conferences and in crisis situations within the department, and shall coordinate the arrangements of same.

In general, the Office of Media Relations/Public Affairs officer will prepare information for the media. This may be achieved through a formal written news release approved by the Superintendent of Police or by the Office of Media Relations/Public Affairs Director or his/her designee and then disseminated equally to media agencies through means such as Media Information, flyers, by verbal and/or other communicative means. Media information will be provided upon request, or where deemed of sufficient interest to citizens' welfare or safety. This information will be provided on a daily basis with notations made as to what media received the information, in what manner and at what time. Formal news releases will be kept to one typed page and bear the name of the author of the release. Copies of all written and disseminated information will be maintained in the Office of Media Relations/Public Affairs.

When investigators have determined a crime trend is occurring, or the public's safety is at risk, the on-duty Office of Media Relations/Public Affairs officer shall be notified to prepare a press release for dissemination to the news media. This advisory will particularly include sexual assaults and missing persons.

346.5 AUTHORIZED PERSONNEL TO RELEASE MEDIA INFORMATION

Members of the New Orleans Police Department designated to release brief information shall do so only after authorization by the Office of Media Relations/Public Affairs Director, his/her designee, or the Superintendent of Police. This authorization should be based on the member's experience or position with the department. Any information released to the media must be factual. No supposition will be allowed. Information provided at the scene will be brief. If there is a request for an on-camera interview, this may be allowed provided it is first coordinated through the Office of Media Relations/Public Affairs. Even after such authorization, no police officer will be coerced into granting interviews. For whatever personal reasons, each member of the department has the specific right to decline on-camera interviews or interviews in any other form

346.6 MEDIA ACCESS TO POLICE SCENES

Police lines may be established to restrict certain persons from entering the area of a crime scene or the scene of a major fire, natural disaster or other catastrophic event. News media representatives may be admitted into these areas under the following conditions:

(a) Representatives of the media are recognized by an official media identification;

(b) Their presence does not jeopardize police operations; and

(c) When authorized by the officer in charge of the scene and coordinated through the Office of Media Relations/Public Affairs officer on the scene. The Office of Media Relations/Public Affairs officer must be consulted and concur prior to any approval.

While a news person may be permitted into a restricted police area, they will not be admitted into a crime scene or other area which has been secured to preserve evidence.

346.7 MEDIA INVOLVEMENT IN POLICE MEDIA POLICIES

The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner compatible with efficient police operations.

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To assist in this effort, local news directors or their designee may meet with the Office of Media Relations/Public Affairs Director on a regular basis to discuss policies and procedures relating to the flow of information and finding ways to improve relations with the entire Department.

346.8 REVIEW OF DEPARTMENT RECORDS AND INFORMATION

Any release of information regarding an ongoing criminal investigation shall be approved by the Superintendent of Police, or his/her designee. Specifically, police members will not release the following without express authorization:

(a) The prior criminal record, character or reputation of the accused;

(b) Photographs of the accused;

(c) Existence of any confession, admission or guilt, or statement made by the accused or the failure or refusal by the accused to make a statement;

(d) The results of any examination or tests conducted or refusal by the accused to submit to any tests or examinations;

(e) The identity, testimony or credibility of any prospective witness;

(f) Any opinion by police personnel regarding the guilt or innocence of the

(g) accused;

(h) Any opinion of the department's personnel regarding the merits of the case or quality of evidence gathered;

(i) Personal information identifying the victim, or information identifying juveniles, or information received from other law enforcement agencies without their concurrence to release the information.

(j) Personal information and/or incidents involving juvenile victims, juvenile suspects, or adult victims of sexual assault;

(k) Exact residential locations where incidents of sexual assaults may have occurred;

(l) The identity of deceased persons shall remain confidential until such times as proper notification of the next of kin can be completed;

(m) Video tapes, photographs or any other images of suspects being sought by the Department; or

(n) Information deemed sensitive, particularly information involving internal investigations of police personnel, or police photographs.

Members representing organizations other than the New Orleans Police Department shall do so on their own time and attired in civilian clothes. Use of police titles and/or implied representation of the Department is prohibited.

Members are prohibited from contacting news media representatives for the purpose of staging photographs or video opportunities for arrested persons to Central Lock-Up, or any other holding facility. Approvals shall only be authorized by the Superintendent of Police or his/her designee.

The use of Departmental vehicles (marked or unmarked), or other property, in the filming of any commercial, television or motion picture productions without prior approval of the Superintendent of Police or his/her authorized designee is prohibited. Requests for the use of Departmental vehicles, or other property, in such a production should be in writing along with a copy of the production script attached. It shall be addressed to the Superintendent of Police and forwarded through the chain of command to the Office of Media Relations/Public

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Affairs Director. The Office of Media Relations/Public Affairs Director, or his/her designee, will review the script to determine what the New Orleans Police Department's role is in the production, and whether the Department's image is portrayed in a positive manner. If approved, the officer requesting permission to use such equipment shall contact the Office of Media Relations/Public Affairs Director to discuss the restrictions and/or perimeters for the use of departmental property.

Clothing attire for members, who are authorized to give on-camera interviews, must be presentable and acceptable by the Superintendent of Police or his/her designee.

346.9 NOTIFICATION OF PUBLIC INFORMATION OFFICER

Information released pursuant to the provisions of this policy will be relayed to the Office of Media Relations/Public Affairs officer as soon as possible. Every effort will be made to ensure the Office of Media Relations/Public Affairs officer, in his/her capacity as the department's information officer, is apprised of all newsworthy developments prior to learning of them through the media.

346.10 COORDINATED INFORMATION RELEASE WITH OTHER AGENCIES

Frequently, information to be released to the public is shared by two or more public service agencies involved in a mutual effort. This could include the New Orleans Fire Department, the Federal Bureau of Investigations (FBI) or other law enforcement agencies that work closely with the NOPD. In these instances, coordination with other concerned agencies will be accomplished prior to releasing information to determine the agency with primary jurisdiction. The agency with primary jurisdiction will be responsible for the release of information.

346.11 CRIMESTOPPERS

The New Orleans Police Department's policy is to support the crime fighting capabilities of the Crimestoppers Program by providing a Crimestoppers Unit that coordinates a department wide information system. The Crimestoppers Unit safeguards the confidentiality of Crimestoppers informants, as well as other individual rights as protected by the Intelligence System process.

A successful Crimestoppers Program is achieved when the department and its members share a commitment to the community they serve. The primary goal of the Crimestoppers Program is to enhance the quality of life for all citizens by tips from informants that end in the arrest and prosecution of those persons committing crimes on the streets of New Orleans.

Crimestoppers shall be responsible for receiving information reported anonymously on criminal activity and criminal suspects and forwarding this information to the appropriate investigating unit, as well as the following:

(a) Coordinate with investigators to determine the status of their investigation and if additional information is needed from the tipsters.

(b) Maintain files for the tips and keep these files updated and accurate.

(c) Maintain statistics for the program (number of calls, cases solved, stolen property recovered, narcotics seized, assets forfeited, prosecution and convictions).

(d) Select particular cases to be publicized by Crimestoppers

(e) Work with the local media to ensure that the selected case is publicized and the information is accurate.

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(f) Select fugitives for Most Wanted programs and ensure this information is accurate.

(g) Appear with members of the Crimestoppers Board of Directors at public speaking functions.

(h) Promote the Crimestoppers Program within law enforcement agencies.

(i) Present a comprehensive Coordinator's Report at board meetings which

(j) will include information on solved cases so the board members can determine how much of a reward a tipster should receive.

(k) Coordinate with informants to ensure they will be paid.

Most of the publicity of Crimestoppers is generated by the coordinator because of his/her daily contact with various media representatives. However, it is not the sole responsibility of the coordinator to promote Crimestoppers, since the results of the program are usually measured in terms of arrests and the seizure of stolen property and drugs. It is likely the media will focus on the means of information generated and the subsequent end result, which gives the public a safe way of getting involved with the New Orleans Police Department's crime fighting efforts. Informants to the CrimeStoppers Program often request anonymity. Their request to remain anonymous should be respected, unless the informant waives the request.

Advantages of Association with Crimestoppers:

- Crime is of great interest to the viewers.
- Publicizing selected cases helps build community awareness.
- Projects a strong image of community involvement, not only by the Office of Media Relations/Public Affairs but also for each respective media entity in the fight against crime.
- Provides the opportunity to follow-up on unsolved crimes.
- Allows the opportunity to disseminate crime prevention messages while involving the public to assist battling crime.
- Can help maintain or improve the ratings of a station/media entity.
- Provides stations with positive community service material during license renewal hearings.
- Provides increased involvement and improved relations with the Department and its officers on the force.

346.12 CONCEPT OF PUBLIC RELATIONS

The New Orleans Police Department is committed to working with the entire community to achieve our ultimate goal; to provide safety not only for residents of the city, but the millions of tourists who visit New Orleans annually. Because tourism is a critical component of the city's economy, the department has taken great measures to an effective public relations plan.

The Office of Media Relations/Public Affairs Director is the overall coordinator of the department's public relations efforts. This entails participating in speaking engagements involving and held before civic groups, social organizations, religious/church groups and schools. Over the years, tourism has grown, and convention planners rely on the Department to provide safety tips to their participants. As a result, we are obligated to speak before thousands of conventioneers who are interested in our public relations approach. It is essential that the department's efforts are also directed to promoting, producing, participating and coordinating numerous public service announcements (PSA)

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for television, radio, and the print media. A major emphasis is directed toward the following topics:

- Tourist Safety
- Mardi Gras Safety
- Work in conjunction with the New Orleans Convention and Visitors Bureau to ensure safety during such high profile events as Super Bowls, annual Sugar Bowl, Musical Festivals and Presidential visits
- DWI Prevention
- Auto Theft Prevention
- Holiday Crime Prevention brochures

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Court Appearance and Subpoenas

348.1 PURPOSE AND SCOPE

This policy has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

Definitions related to this policy include:

Administrative subpoena - A written document served upon an individual employed by the New Orleans Police Department instructing them to appear before any administrative body or panel, deemed appropriate by the Superintendent of Police for the purpose of giving testimony.

Court overtime - The attendance by an employee of the New Orleans Police Department in any court or governmental body having subpoena power, where attendance is mandatory, where the attendance arises out of the employee's scope or performance of his/her duty, and the employee is off duty during attendance.

Legal subpoena - A writ summoning an individual to appear before a legal court or governmental body for the purpose of giving testimony.

Electronic legal subpoena - A writ summoning an individual to appear before a legal court or governmental body for the purpose of giving testimony and/or to produce items sent via electronic mail.

Court Notify - The name of the electronic subpoena notification system.

Proper Notification - Service of a subpoena, or notification that an officer is required to appear in court from:

- Verbal Notice by an officer of the Court
- Verbal notice by any supervisor
- Personal Service
- Domiciliary Service
- United States Mail
- Electronic Mail

Trailing status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by notice of the issuing court. Failure to appear either intentionally or by negligence may result in disciplinary action.

Tribunal - a person or institution with the authority to judge, adjudicate or determine claims/disputes.

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348.2 SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices.

Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

Attendance at Traffic, Civil Municipal, State, Federal or any Administrative Tribunal is mandatory under the following conditions:

(a) A subpoena or order of Instanta (electronic or paper)

(b) Notification via department e-mail

(c) Ordered to attend by a ranking officer

(d) Written or verbal notice from the City Attorney or District Attorney.

Only a judge can excuse an employee from a subpoena to appear in a tribunal.

348.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by a verbal notice by the Judge or Officer of the Court and through any delivery by the Office of Compliance, including personal service on the employee.

348.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

Service may consist of individual subpoenas or may consist of lists which include an officer's name and badge number, case title, name of court and date of appearance. Lists may be served by electronic transfer (La. R.S. 32.6(C); C. Cr. P. 735).

(a) Only the employee named in a subpoena, his/her immediate supervisor or the Office of Compliance shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Office of Compliance. The Office of Compliance shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the individually named employee.

(c) The employee named in a subpoena, his/her immediate supervisor or other authorized individual shall sign for subpoenas or indicate receipt by electronic verification code (RS 32.6(C); C. Cr. P. 735).

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve the subpoena directly to the named witness. If the named witness is not on-duty, the supervisor shall inform the process server of the next available date the witness will be on-duty.

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All hand-delivered subpoenas/instantas received in the district/unit shall be logged into the Subpoena Log maintained in the district/unit. Employees are responsible for signing the Subpoena Log upon receiving their subpoenas/instantas.

348.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court.

348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for off-duty actions not related to their employment with the New Orleans Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance by the department. Arrangements for time off shall be coordinated through the immediate supervisor. Employees shall not wear his/her uniform when complying with this type of subpoena.

348.2.6 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

If for a valid reason (i.e., illness, injury, etc), the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, notify the Court of the employee's unavailability to appear. Upon notification to the Court, the employee is responsible for notifying the Office of Compliance of the expected absence, providing the name of the person contacted, the court section(s) and the date/time the notification was made.

348.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

Any reimbursement received directly by the employee while appearing on duty shall be promptly turned over to the Deputy Superintendent of the Management Services Bureau, through the employee's chain of command.

348.3.1 PROCEDURE

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

348.4 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

348.4.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

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348.4.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

348.5 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party against the State of Louisiana, any parish, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify the Superintendent of Police through his/her chain of comment without delay. The supervisor will then notify the appropriate prosecuting attorney. The Superintendent of Police should determine if additional legal support is necessary.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding

(b) Providing testimony or information for the plaintiff in a civil proceeding against any parish, city, other unit of government or any government official or its officers and employees.

(c) Providing testimony or information against the State, parish, city, or other unit of government, or any of its officers and employees, on behalf of or at the request of any party other than any parish, city, other unit of government or any government official or its officers and employees.

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Reserves

350.1 PURPOSE AND SCOPE

The New Orleans Police Department Reserve Division was established to supplement and assist the New Orleans Police Department with provision of services to the City. This Division provides volunteer professional and special function commissioned reserve officers who can augment and supplement staffing provided by commissioned full-time officers.

350.1.1 DEFINITIONS

Reserve police officer - A non-paid civilian volunteer from the New Orleans metropolitan area, commissioned by the Superintendent of Police to enforce laws, provide community service and assist in the furtherance of the goals and objectives of the New Orleans Police Department.

350.2 POLICY

The New Orleans Police Department shall operate and maintain a Reserve Division. Its primary duties and responsibilities are to assist district and line support personnel in the delivery of services to the citizens of New Orleans.

Reserve officers shall not receive a salary for serving as a reserve officer other than a yearly uniform allowance.

All reserve officers, while performing their duties with the New Orleans Police Department, shall be attired in uniform. A request for a reserve officer to work in plain clothes must be approved in writing by the Commander of the Reserve Division.

Reserve officers are expected to perform most of the duties and responsibilities of full time employed police officers. Upon acceptance into the Reserve Division a reserve officer accepts the same hazards and risks accompanying the position of an employed police officer.

350.3 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The New Orleans Police Department shall recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

350.3.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as police officers.

(a) Before appointment as a reserve officer, an applicant must have successfully completed preparatory training certified by the Louisiana Peace Officer Standards and Training Council (POST) and pass a POST-approved comprehensive examination (La. R.S. 40:2405).

1. The Department of Civil Service does not participate in the application process for reserve officers.
2. Applicants must successfully complete a comprehensive background investigation with local, state and national inquiries.

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3. Applicants shall successful complete urinalysis testing, physical examinations and psychological testing prior to acceptance.
4. Personal recommendations, employee recommendations, neighborhood inquiries and credit checks shall be included in the background investigation.

(b) Any active commissioned officer of the Department who desires to become a member of the Reserve Division upon his/her separation from regular service (in good standing), shall submit a written request to the Superintendent of Police. This request must be submitted at least 30 days prior to the separation date. The correspondence must:

1. Process through the officer's chain of command.
2. Include a sign-off block for the Commander of the Reserve Division.
3. Include a sign-off block for the Deputy Superintendent of the Field Operation Bureau if the officer is not assigned within the Field Operations Bureau.
4. Include a Public Integrity Bureau (PIB). short form and a printout of the officer's last two years attendance record obtained by the first supervisor in the officer's chain of command and attached to the request.

350.3.2 APPOINTMENT

Applicants who are selected for appointment as reserve officers shall, on the recommendation of the Superintendent of Police, be sworn in and take the Oath of Office as required for the position. Members of the Reserve Division serve at the appointing authority's discretion.

350.3.3 COMPENSATION FOR POLICE RESERVE OFFICERS

A reserve officer may receive compensation as follows:

(a) All property issued to the reserve officer remains the property of the Department, and shall be returned to the Department upon termination or resignation. Any loss or damage shall be documented and the reserve officer held to the same standards of responsibility for the property as a commissioned officer.

(b) The Department may provide hospital and medical assistance to a member of the reserve force who sustains injury in the course of performing official duties.

(c) Reserve officers shall be allowed to work secondary employment in accordance with the Secondary Employment policies and procedures.

350.3.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department shall not utilize the services of a reserve officer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Commander should consult with the New Orleans Police Department Personnel Department prior to an employee serving in a reserve capacity (29 CFR 553.30).

Reserve officers, while in the course and scope of their employment may be represented by the City Attorney's office when such representation is warranted. The level of protection, methods of defense, and procedures relative to notification of the proper city agencies shall be the same as for full time employed police officers.

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350.4 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Operations Bureau. Reserve officers may be assigned to other areas within the Department as needed.

Commissioned reserve officers shall possess full authority to arrest, detain, apprehend and interrogate individual subjects who are suspected of being in violation of the law. Reserve officers shall also possess full authority to seize any contraband, evidence, or property authorized by current law or by the policies and procedures of this department. Such authority shall be executed within the legal limits established by federal and state law, and the rules, policies and procedures of this department.

Reserve officers are expected to perform most of the duties and responsibilities of full time employed police officers. Upon acceptance into the Reserve Division, a reserve officer accepts the same hazards and risks accompanying the position of an employed police officer.

All reserve officers are obligated to provide a minimum of 24 hours of police service each month as a condition of membership in the New Orleans Police Department Reserve Division. Any officer failing to maintain such service requirement is subject to disciplinary action and/or dismissal from the unit.

At the discretion of the Superintendent of Police, as disseminated via the Reserve Commander, reserve officers may be required to work any designated portion of the 24 hour minimum in specific assignments, locations, or activities that fall within the scope of their qualification and certification.

The balance of the required minimum time, as well as any additional time volunteered by reserve officers, may be in any other Department or Unit-sanctioned activity that is contributory to the mission and support of the Unit and the Department.

350.4.1 POLICY COMPLIANCE

Reserve officers shall be required to adhere to all department policies, rules and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies, rules and procedures.

Whenever a rule, regulation or guideline in the Policy/Procedure Manual refers to a commissioned full-time officer, it shall also apply to a commissioned reserve officer, unless by its nature it is inapplicable.

350.4.2 RESTRICTIONS

Reserve officers who hold special officer commissions shall, when wearing the uniform of a special officer, be prohibited from wearing, displaying or using any department equipment, insignias, badges, patches or credentials, other than those designating or identifying those individuals as security and/or special officers.

- Plain clothes security officers shall also be governed by this paragraph while in performance of their duties as a security officer.
- Reserve officers engaged in any form of security work, whether or not they hold a special officers commission, shall be governed by this paragraph.

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Reserve officers who hold other law enforcement commissions (federal, state, or local), when wearing the uniform of that agency, are prohibited from wearing, displaying, or using any department equipment, insignias, badges, patches, or credentials while acting in the capacity of that agency.

Reserve officers holding other law enforcement commissions (Federal, State, or Local), when attired in plainclothes and performing the duties of that agency, are prohibited from using any Department equipment, insignias, badges, patches, or credentials while acting in the capacity of that agency.

The use of department vehicles for take home purposes by reserve officers shall be governed by the appropriate policies and procedures relative to their issuance, use, maintenance and availability.

350.4.3 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Commander or the authorized designee.

All time entered for reserve officers via the TRIP system must be verified or substantiated before the officer will be credited with the time towards the minimum requirement. Means of verification may include TRIP sheets, written confirmation by a supervisor who worked the same assignment or other methods deemed satisfactory by the Reserve Commander.

During any special event (as defined by the Department, including but not limited to Mardi Gras season, Essence Fest, Decadence Fest, Bayou Classic, etc.), reserve officers first priority will be to fulfill any specific assignments given to the Reserve Division. As such, no work in specialized units, regular district patrol, or any other activity will be allowed without the specific prior approval of the Reserve Commander.

350.4.4 RESERVE COMMANDER

The Superintendent of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Commander.

The Reserve Commander shall have the responsibility of, but not be limited to:

(a) Assigning reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

350.4.5 RESERVE DEPUTY COMMANDER

The Reserve Commander shall, with the approval of the Superintendent of Police, designate a Reserve Deputy Commander.

The Reserve Deputy Commander shall assist the Reserve Commander in fulfilling the responsibilities for that position (as stated above), and shall function as acting Commander in the absence of the Reserve Commander.

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350.5 SUPERVISION

Reserve officers who have completed the formal training process shall operate under the same command-and-control and supervisory requirements as regular officers.

The Reserve Division shall establish an internal organization of Platoons and Squads for Reserve Unit Administrative authority, control, and accountability such that the departmental policies regarding supervision and span of control are maintained.

350.5.1 CHAIN OF COMMAND

Reserve officers can attain the reserve ranks of Reserve Sergeant, Lieutenant and Captain. The level of authority and supervisory responsibility shall be the same as full time employed officers, subject to the following:

(a) Full-time employed police officers shall be considered superior in rank to reserve officers of any rank.

(b) Full-time employed police officers and ranking officers shall be held accountable for their use of authority over, and instructions given to, reserve officers.

(c) Reserve officers shall not obey any order from a superior reserve officer or full time employed officer that is illegal or criminal.

(d) Any order received by a reserve officer which is felt to be in conflict with any policies, rules and regulations of the Department shall be addressed as per current regulation pertaining to Instructions from an authoritative source.

350.6 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Commander or the authorized designee. All reserve officers are required to attend scheduled meetings. Any request for excusal must be submitted to and approved by the Reserve Commander in advance.

Meetings will consist of a business section and a training component. The business section will be used to conduct the business of the Division, to schedule personnel for upcoming assignments and address any outstanding issues or concerns.

The training section will be used to keep officers updated on recent developments effecting the operation of the Reserve Division and will allow timely dissemination of information, updates, and roll-call style training.

Officers attending the reserve officer meeting will be credited with 4 hours of service time.

350.6.1 IDENTIFICATION OF OFFICERS

All reserve officers will be issued a uniform badge, frontispiece, building identification (swipe card), and a department identification card.

Badge numbers for reserve officers shall be numbered as follows:

(a) The first two digits of the badge number shall be 10 followed by three additional numbers.

(b) No two badge numbers shall be the same, except for duplicates or spare badges held by the individual reserve officer of the police department.

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350.7 RESERVE RETIREMENT

Reserve officers who have completed a cumulative total of 192 months of creditable service (16 year equivalent) and remain in good standing with the Department shall be eligible to retire from the Reserve Division and, at the discretion of the Superintendent of Police, receive retired identification.

Creditable service is defined as months during which the officer completed the minimum required service as previously defined. Months spent on leave, or in an ADD or inactive status without completion of the required minimum service, shall not count towards the required total.

350.8 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department. Requests for a reserve officer to work in plain clothes must be approved, in writing, by the Reserve Commander.

While working, except with written permission to dress otherwise, reserve officers shall be attired in the complete department uniform that is appropriate for their rank. The uniform shall be outwardly indistinguishable from the uniform worn by full time employed police officers.

Reserve officers shall be responsible for the purchase and maintenance of all uniform parts and accessories.

350.9 INVESTIGATIONS AND COMPLAINTS

Complaints or internal investigations against a reserve officer may be investigated by the Reserve Commander, at the discretion of the Field Operations Bureau Commander in compliance with the Personnel Complaints Policy.

Reserve officers are considered at-will employees and may be removed from the reserve program at the discretion of the Superintendent of Police or the Reserve Commander. Reserve officers shall have no property interest in continued appointment. However, if a reserve officer is removed for alleged misconduct, the reserve officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Superintendent of Police or the authorized designee.

350.10 RESERVE OFFICER EVALUATIONS

While in training, reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve officer will be considered a trainee until all of the training phases have been completed. Reserve officers who have completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

350.11 FIREARMS

Reserve officers shall successfully complete department-authorized training in the use of firearms. Their appointment must be approved by the City prior to being issued a department firearm or otherwise acting as an officer on behalf of the New Orleans Police Department.

Reserve officers will be issued a duty firearm as specified in the Firearms and Qualification Policy. Any reserve officer who is permitted to carry a firearm other than the assigned

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duty weapon or any optional firearm may do so only in compliance with the Firearms and Qualification Policy.

350.11.1 CONCEALED FIREARMS PROHIBITED

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon must be registered by the reserve officer and be inspected and certified by a department Range Master as fit for service.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with such weapon.

350.11.2 RESERVE OFFICER FIREARM TRAINING

Reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all requirements set forth by POST and all areas of the firearms proficiency section of the Policy/Procedure Manual.

350.12 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Commander shall develop a plan outlining an emergency call-out procedure for reserve personnel.

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Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in requesting or responding to a request for mutual aid or when assisting another law enforcement agency in the event of an emergency or special event (R.S. 33:2337; R.S. 33:2338).

352.2 POLICY

It is the policy of this department to provide assistance to requesting agencies whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of this department when another law enforcement agency requests mutual aid or outside agency assistance. While providing mutual aid, officers of this department shall work under the direction and supervision of the requesting agency and have the same law enforcement authority as the personnel of the requesting agency (R.S. 33:2337).

The City may also establish an agreement for joint law enforcement assistance with another local government body provided those agreements meet statutory requirements pursuant to R.S. 33:1324.

352.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from other agencies are received via radio transmission and are routed to the Platoon Commander or an on-duty supervisor for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law or an established mutual aid plan.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency.

When such assistance is rendered, an item number will be issued to report action taken by New Orleans Police Department personnel.

352.4 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

All requests for assistance through an outside agency will be made through the dispatcher to the Command Desk.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed.

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352.5 CRITICAL INCIDENT MUTUAL AID

State, regional or parish agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management
- Detect the presence of dangerous conditions or hazardous materials
- Begin identification of dangerous conditions or hazardous materials (may use the Emergency Response Guidebook ERG 2008 by the U.S. Department of Transportation)
- Isolate the incident and identify zones of activity
- Contain the incident without risking unnecessary exposure
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan and Police Department Emergency Operations Plan
- Begin evacuation or direct in-place sheltering
- Consider personal protection/decontamination
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this department should clarify whether it is requesting assistance only or complete scene management

352.5.1 REQUESTING ASSISTANCE (NATIONAL GUARD OR FEDERAL)

The Louisiana Emergency Assistance and Disaster Act of 1993, Section S 725 designated the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) as the state homeland security and emergency preparedness agency for the State of Louisiana. The director of GOHSEP is responsible for the management and coordination of all activities relating to emergency or disaster prevention, preparedness, and response for the State of Louisiana.

The Louisiana Emergency Assistance and Disaster Act of 1993, Section S 727 requires the Parish President (the Mayor of New Orleans) to establish a parish Office of Emergency Preparedness. The Mayor of New Orleans is the only person in Orleans Parish who can declare an emergency in Orleans Parish and request federal assistance through the State of Louisiana.

The Louisiana Emergency Assistance and Disaster Act of 1993 S 728 established the Orleans Parish Office of Emergency Preparedness. The Orleans Parish Office of Emergency Preparedness (NOOEP) is authorized to assist local officials in preparing local emergency action plans and coordinating federal, state and local disaster or emergency operations.

A request for assistance by the New Orleans Police Department to the State of Louisiana is made by the Superintendent of Police or his/her designee via the Orleans Parish Office of Emergency Preparedness (NOOEP).

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the New Orleans Police Department will address issues associated with certain offenders who are residing, working or going to school in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

356.2 POLICY

It is the policy of the New Orleans Police Department to register, identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose (La. R.S. 15:540).

356.3 REGISTRATION

The New Orleans Police Department shall register sex offenders in accordance to La. R.S. 15:542 and ensure compliance with all community notifications, as indicated in La. R.S. 15:542.1. In addition to the registration and notifications, the New Orleans Police Department shall be responsible for updating the state registry regarding a sex offender's in-person periodic renewal of registration (annual, semi-annual or quarterly, as dictated by La. R.S. 15:542.1.1). The New Orleans Police Department shall also be responsible for updating registry information pertaining to changes in residence, employment, school, volunteer work, e-mail addresses, telephone numbers, vehicles or any other information previously provided via registration (La. R.S. 15:542.1.2).

The New Orleans Police Department shall register sex offenders for the registration period as established in La. R.S. 15:544 for Louisiana sex offense convictions, or the period established in accordance to La. R.S. 15:542.1.3 for out-of-state sex offense convictions. The registration periods are as follows:

- Tier I sex offenders register for 15 years.
- Tier II sex offenders register for 25 years.
- Tier III sex offenders must register for life.

Upon conclusion of the registration process, the registration information shall be electronically forwarded to the Louisiana State Police Bureau of Criminal Identification and Information in accordance with state law (La. R.S. 15:542(E)).

The failure to comply with the sex offender registration requirements as provided above or the falsifying of registration information should initiate a criminal investigation for failure to register (La. R.S. 15:542.1.4).

356.3.1 REGISTRATION, SPECIAL VICTIMS SECTION

The New Orleans Police Department's Special Victim's Section shall establish a process to reasonably accommodate registration of certain offenders. The Special Victims Section Supervisor shall also ensure that all Sex Offender and Child Predator Registration Protocols set forth by the Louisiana State Police regarding the proper registering and entering of information into the state registry is adhered to. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to

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best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

356.4 MONITORING OF REGISTERED OFFENDERS

The Special Victim's Section Supervisor should establish a system to periodically, and at least once annually, physically verify that a sex offender registrant remains in compliance with his/her registration requirements after the initial registration by conducting compliance checks at the offender's last registered address.

Efforts to confirm residence should include a compliance check at the offender's last registered address without prior notice to the offender.

Additional efforts may include contact with a registrant's parole or probation officer, Internet searches, criminal history searches or any other computerized search available to the New Orleans Police Department.

Any discrepancies should be reported to the Special Victim's Section, Sex Offender Registration Office.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to his/her Bureau Chief if warranted. A determination will be made by the Bureau Chief, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Louisiana State Police Website (www.lsp.org), and the National Sex Offender Public Website (www.nsopw.gov).

356.5.1 MANDATORY DISSEMINATION

The Department shall release relevant and necessary information regarding sex offenders, child predators and sexually violent predators to the public when the release of the information is necessary for public protection (La. R.S. 15:546(A)).

356.5.2 DISCRETIONARY DISSEMINATIONS

The Department may order that the notice provided by certain offenders be published in a newspaper and disseminated to the public (La. R.S. 15:542.1(A)(2)(c)).

Dissemination of information contained in criminal records shall be in accordance with state law (La. R.S. 15:548).

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Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The New Orleans Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Superintendent of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities
- Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to an employee, whether on- or off-duty
- Serious injury or Death of a prominent New Orleans official
- Arrest of department employee or prominent New Orleans official
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

358.4 PLATOON COMMANDER RESPONSIBILITIES

The Platoon Commander, or assistant Platoon Commander, is responsible for making the appropriate notification. The Platoon Commander, or assistant Platoon Commander, shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable. Notification should be made to the Command Desk as soon as practicable.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Superintendent of Police shall be notified along with the affected Bureau Commander.

358.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate supervisor of the appropriate unit shall be contacted.

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358.4.3 PUBLIC INFORMATION OFFICER

After staff members have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigation of cases involving a death includes those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations to include evidence gathering and witness identification is paramount.

360.1.1 DEFINITIONS

Coroner's Office - The medical examiner for the State of Louisiana whose role includes (R.S. 13:5717):

(a) Retention of decedent's personal effects; moving or disturbing the body of a deceased person; prohibitions
   1. It shall be unlawful for any person without specific authorization from the coroner or his designee, other than law enforcement or medical personnel, to touch, move, or disturb the body of a deceased person or remove any personal effects or disturb the immediate area where the body is or has been found, if the deceased person's death occurred under any circumstances which reasonably suggest that the person's death, either directly or indirectly, occurred as a result of a violation of law or a coroner's case as defined by law. However, the body may be moved if it is necessary for the preservation of the body, or if necessary to protect public safety or welfare.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER REQUEST

The office of the Medical Examiner (Coroner's Office) shall be called and provided with known facts concerning the time, place, manner and circumstances of the death involving any of the following circumstances (R.S. 13:5712; C. Cr. P. 101):

(a) Violence by homicide, suicide or accident.
(b) From thermal, chemical, electrical or radiation injury.
(c) From criminal abortion, including any situation where such abortion may have been self-induced.
(d) From a disease which may be hazardous, contagious, may constitute a threat to the health of the general public or when a person dies.
(e) When the death was sudden and happened to a person who was in good health.
(f) Where no physician, chiropractor or accredited Christian Science practitioner is in attendance within the 36-hour period immediately preceding death.
(g) While in the custody of law enforcement officials or while incarcerated in a public institution.
(h) From external violence, unexplained cause or under suspicious circumstances.

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(i) When a death occurs outside a licensed health care facility and a member of this department is the first official to learn of the death.

360.2.2 SEARCHING DEAD BODIES

The Coroner's Office or an assistant and authorized investigator are generally the only persons that should move, handle or search a body. The Coroner's Office may take property, objects or articles found on the deceased or in the deceased's immediate vicinity that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death. The Coroner's Office shall inventory the body on scene.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner's Office the investigating officer should first obtain verbal consent from the Coroner's Office when practicable.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner's Office. The name and address of this person shall be included in the narrative of the death report.

360.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident (R.S. 13.5714). If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this parish, the Coroner's Office may be requested to make the notification. The Coroner's Office needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

360.2.4 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body should be forwarded to the appropriate agency for entry into the Louisiana state database and the National Crime Information Center (NCIC) file.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on an incident report.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involved a homicide or other suspicious circumstances, the officer shall take stps to protect the scene. The Homicide Section shall be notified to determine the possible needs for an investigator to respond to the scene for futher immediate investigation.

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The assigned investigator investigating a homicide or a death under suspicious circumstances shall request the coroner.

360.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.

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PROPERTY LOSS REPORT – SIGNAL '21P'

361.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for documentation, supervisory review and investigative follow-up requirements governing complaints specific to property loss reporting, signal **'21P'**.

361.2 REPORTING

Department members shall generate a property loss report using signal **'21P'** under circumstances where the reporting person wishes to report the loss of personal property regardless of whether they have knowledge how the loss occurred. The report shall include a thorough description of the lost item(s) and an explanation of where and when the loss was first discovered.

The investigating officer must clearly articulate the reason for classifying the incident as a 'Property Loss' incident (**21P**). If the facts as presented by the reporting person or if the circumstances surrounding the reported loss lead an officer to believe that a crime may have been committed (i.e., Theft, Pickpocket, Fraud, etc.), the officer shall report the incident using the appropriate NOPD signal corresponding to the most serious crime and complete an incident report.

361.3 SUPERVISOR REVIEW

Supervisors reviewing and approving property loss (**21P**) reports shall be responsible for closely scrutinizing the facts and circumstances as reported. Should a determination be made that the reported incident has been misclassified; the supervisor shall initiate corrective action to address report discrepancies. When it becomes necessary to change the signal or disposition of an item number which has already been marked up (closed) by the reporting officer, the supervisor shall ensure a change of item signal or disposition is filed in accordance with established procedure (*Policy 345 – Complaint Signals – Changing of Item Signals or Dispositions*).

361.4 DISTRICT INVESTIGATIVE UNIT ("DIU") - PROPERTY CRIMES

DIU Property Crimes detectives shall be responsible for conducting follow-up investigations on all property loss (**21P**) reports. Follow-up shall include contacting the reporting person in an attempt to gather additional information that may have been learned since the date of the reported loss and/or information on identifiable property that was not available when the report was initially filled. A supplemental report shall be written documenting follow-up efforts in all cases, even where contact with reporting person yields no additional information. If the detective is unable to contact the reporting person, a supplemental report shall be written documenting the date, time and manner used in trying to reach the reporting person.

Property Loss Report – Signal '21P'

Should additional information develop indicating the property loss may now be subject of a reportable crime; DIU Property Crimes detectives shall be responsible for completing a supplemental report documenting the facts and circumstances. As applicable, detectives shall also be responsible for ensuring a change of item signal or disposition is filed in accordance with established procedure (*Policy 345 – Complaint Signals – Changing of Item Signals or Dispositions*).

The DIU Property Crimes supervisor shall be responsible reviewing all property loss (**21P**) reports for the purpose of assessing data in relation to identifiable crime patterns or serial offenses which may be occurring in a particular geographic location or during a specific event. Should a possible crime pattern be identified or suspected, the DIU Property Crimes supervisor shall coordinate an appropriate enforcement response.

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.1.1 DEFINITIONS

Definitions related to this policy include:

Identity Theft - the intentional use or possession or transfer or attempted use with fraudulent intent by any person of any personal identifying information of another person to obtain, possess, or transfer, whether contemporaneously or not, credit, money, goods, services, or anything else of value without the authorization or consent of the other person (La. R.S. 14:67.16).

Personal identifying information - includes, but is not limited to, an individual's:

(a) Social security number

(b) Driver's license number

(c) Checking account number

(d) Savings account number

(e) Credit card number

(f) Debit card number

(g) Electronic identification number

(h) Digital signatures

(i) Birth certificate

(j) Date of birth

(k) Mother's maiden name

(l) Armed forces identification number

(m) Government issued identification number

(n) Financial institution account number

362.2 REPORTING

In reference to investigations and prosecution for the crime of Identity Theft, jurisdiction may lie outside the parish of Orleans. Victims of Identity theft may file police reports with the La. Department of Justice, Office of Attorney General, or in the municipality or parish in which the victim is domiciled or both. To maintain uniformity in reporting complaints of identity theft in the or parish in which the victim is domiciled or both, the initial officers investigating the complaint shall:

(a) Establish the domicile of the victim. (La. R.S. 9:3568).

1. If the victim resides in Orleans Parish, a report shall be authored by the initial responding officer or the officer first receiving the complaint, whether the actual fraudulent transactions occurred in Orleans Parish or not.

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(a) If the actual theft of the identity occurred in Orleans Parish but the transactions are occurring in another jurisdiction(s), the White Collar Crimes unit will coordinate with other law enforcement agencies during the investigation in order to identify suspect(s).

(b) In circumstances where the victim resides outside Orleans Parish and is not available in person to file the report but wishes to report identity theft wherein the fraudulent transactions are believed to be occurring in Orleans Parish, the first officer to receive the complaint shall:

1. Request that the victim attempt to obtain a Miscellaneous Complaint report from their local police department where domiciled (to establish their true identity) and then inform that police department t that the New Orleans Police Department will be able to conduct a follow-up investigation once the host agency report is completed and transferred to the New Orleans Police Department.

(c) In reporting complaints of Identity Theft, the investigating officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made an application), including all documentation provided by the victim and all fraudulent dates of application.

Investigating officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

Investigating Officers should document all actions and statements from the victim as well as names of suspects, investigators, or others the victim has contacted during his/her fact finding independent investigation.

Officers shall not use the victim's Social Security Number in the initial report. The initial incident report is considered a public document. The follow-up investigator can obtain the victim's Social Security Number from the victim, if necessary.

Following supervisory review and office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.3 PREVENTIVE MEASURES

The victim should be advised to:

(a) File a Fraud Alert or Credit Freeze on his/her credit consumer report with the three major credit bureaus.

(b) Keep a log of all fraudulent activities as it pertains to their complaint.

A victim may also:

- Access http://rev.louisiana.gov/forms/Fraud/IdentityTheftChecklist.pdf.
- File an identity theft complaint with the Louisiana Office of the Attorney General, Consumer Protection Section at 225-326-6465

362.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC at 877-ID Theft

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(877-438-4338). Additional information may be found at the U.S. Department of Justice website, http://www.usdoj.gov, or a regional FBI division website.

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Habitual Offenders

363.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the identification and management of information relating to habitual offenders.

363.1.1 DEFINITIONS

Definitions related to this policy include:

Habitual Offender - Any person who, after having been convicted within this state of a felony, or who, after having been convicted under the laws of any other state or of the United States, or any foreign government of a crime which, if committed in this state would be a felony, thereafter commits any subsequent felony within this state.

363.2 GENERAL

Louisiana Revised Statute 15:529.1 identifies the criteria for designation as a habitual offender and any additional charges and sentences that may be incurred by an individual classified as a habitual offender.

363.3 INSTRUCTIONS

The criminal record of all arrested subjects shall be checked prior to transportation to Central Lockup.

If the arrested subject's criminal record warrants classification as a habitual offender and the subject was arrested for a violation of state law, the arrested subject's criminal record shall be printed and attached to the copy of the face sheet left at central lock-up. The notation Habitual Offender shall be written in the charges section of the Arrested Subject portion of the incident report. Additionally, the factors which classify the subject as a habitual offender shall also be noted in the narrative portion of the incident report.

The district A Case officer shall be responsible for presenting this information to the screening Assistant District Attorney. A copy of the arrested subject's criminal record shall be attached to the D.A.'s copy of the report.

When habitual offender arrests are made by a unit which does not utilize an A Case officer, the officer responsible for presenting the case to the screening Assistant District Attorney shall provide the necessary information.

Due to laws covering the confidentially of criminal records, and police reports being public record, an arrested subject's criminal record shall not be attached to the Record Room copy of the report.

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Pawnshop Unit

365.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for department members and members of the Pawnshop Unit.

365.2 GENERAL

The Pawnshop Unit is under the Command of the Investigations and Support Bureau.

The New Orleans Police Department will supply consecutively numbered blank report forms, formatted pursuant to Orleans MCS 130-3 and La. R.S. 37:1875, to all pawnshops, secondhand dealers, and antique dealers.

All pawnshops, secondhand dealers, and antique dealers are required to submit daily reports, either by mail or electronically, to the Commander of the Pawnshop Unit (La. R.S. 37:1798).

365.3 COMMANDER OF PAWNSHOP UNIT RESPONSIBILITIES

The Commander of the Pawnshop Unit, or his/her designee, shall promptly record and maintain all pawnshop voucher/pawnshop tickets in the NOPD MOTION system.

The Commander of the Pawnshop Unit, or his/her designee, will assign a member of his/her section to visit each pawnshop, secondhand dealer, and antique shop at least twice weekly. The member will examine the records to make sure an accurate description of the item pawned or sold was properly recorded.

- If there is an inaccuracy in a property description, the receipt will be returned to the pawnshop for a correction.
- If there is reasonable suspicion to believe an item was stolen, the item will be placed on HOLD for 60 days. A HOLD is a verbal order not to sell, encumber, or destroy the item; however, if within that time frame the investigation reveals the item is not stolen, the item shall immediately be released from HOLD . If it is determined the item is stolen, the item shall be confiscated from the pawnshop immediately and placed on the books at Central Evidence and Property. The officer ordering the HOLD shall provide his name, place of assignment and the case item number to the pawnshop.
- If an item is confiscated, a copy of the standardized confiscation letter (Appendix A) will be signed by the Pawnshop Commander, or his/her designee, and left with the owner of the establishment where the item was seized. A copy of the letter of confiscation shall be kept by the Pawnshop Commander for at least three (3) years. The confiscated item shall be placed in Central Evidence and Property as per current department policies/procedures.

The Commander of the Pawnshop Unit, or his/her designee, shall identify frequent sellers to pawnshops, and the frequent sellers which cross NOPD district boundaries.

The Commander of the Pawnshop Unit shall maintain the records of all pawnshop sales, tickets, confiscations, and releases for three (3) years.

The Pawnshop Unit maintains and updates the pawnshop database.

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The Commander of the Pawnshop Unit shall develop a comprehensive training manual for the Pawnshop Unit.

365.4 FIREARMS

The Commander of the Pawnshop Unit, or his/her designee, is responsible for archiving all reports transmitted over the NOPD bulletins of stolen handguns in the pawnshop database for firearms.

All firearms released by Central Evidence and Property to any entity or individual shall be documented and recorded into the Pawnshop Unit's database.

The Commander of the Pawnshop Unit or his/her designee shall:

- Process the receipt of any firearm reported stolen and recovered in another jurisdiction (after adjudication of any legal applicable proceedings) in compliance with the Department's Policy and Procedure Manual;
- Deliver the firearm to Central Evidence and Property and complete the necessary documents;
- Send a cancellation bulletin to NCIC with a request to remove the classification firearm as reported stolen;
- Complete a recovered supplemental report and forward it to the record room;
- Conduct a background check (MOTION and Triple I) on anyone purchasing a firearm from a pawnshop, secondhand dealer, or antique dealer or retrieving a firearm from Central Evidence & Property;
- Assist department members and outside agencies who are conducting firearm investigations by using the pawnshop database during normal hours of operation of the Pawnshop Unit.

365.4.1 REPORTING

If a weapon is reported stolen in a district and pawned at a pawnshop in another district, the district of occurrence shall handle the investigation.

If a weapon is stolen out of parish and pawned at a New Orleans pawnshop, the Pawnshop Unit shall handle the investigation.

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Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), it is the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.1.1 DEFINITIONS

Definitions related to this policy include (La. R.S. 46:2362):

Hearing-impaired person - A person who, because of a hearing impairment, has difficulty understanding the communication occurring.

Intermediary interpreter/transliterator - A person, including any hearing-impaired person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a hearing-impaired person and a qualified interpreter/transliterator.

Qualified interpreter/transliterator - A person certified by the Registry of Interpreters for the Deaf, or in the event a certified interpreter/transliterator is not available, a person able to accurately communicate with and convey information to and from a hearing-impaired person.

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication, despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual).

(d) The availability of resources to aid in communications.

When considering these and other available information, the involved employee should carefully balance all factors in an effort to reasonably ensure meaningful access to critical services, while not imposing undue burdens on the Department or its officers.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, employees should be alert to the possibility of communication

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problems. They should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion or misunderstanding when dealing with any individual with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's choice of a communication method shall be given primary consideration and shall be honored unless the employee can adequately demonstrate that a more effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department-provided services may include, but are not limited to, the following.

370.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who uses lip reading and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a department form or document, such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Communications Commander will maintain a list of qualified interpreter services to be contacted at department expense and upon the approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. The interpreter should be available to respond within a reasonable time, generally not to exceed three hours. The Deaf Action Center has a list of individuals who are trained and will respond to call outs if needed.

370.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

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370.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to sources that may be developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where they are most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual, such services should be noted in the related report.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

370.4.2 CUSTODIAL INTERROGATIONS, ARRESTS AND BOOKINGS

To ensure that the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Whenever a hearing-impaired person is arrested, the arresting officers shall procure a qualified interpreter/transliterator for any interrogation, warning, notification of rights or

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taking of a statement (La. R.S. 46:2364(E); La. R.S. 46:2366). A hearing-impaired person who is otherwise eligible for release shall not be held in custody pending the arrival of an interpreter/transliterator.

Employees providing such assistance shall also be aware of the inherent impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of department personnel. Medical screening questions are commonly used to elicit information regarding an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. It is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheelchair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and protective orders, crowd/traffic control and other routine field contacts that may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must assess each situation to determine the need and availability of communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING

To ensure that all personnel who have contact with the public or with those in custody are properly trained, this department will provide periodic training, including:

(a) Employee awareness of related policies, procedures, forms and available resources.

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(b) Working effectively with in-person and telephone interpreters and related equipment.

(c) Awareness and understanding of the importance of this policy to ensure its implementation. This training will be geared toward the management staff, even if they may not interact regularly with disabled individuals.

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Chaplains

376.1 PURPOSE AND SCOPE

The New Orleans Police Department Chaplain Program is established by the Chaplain Supervisor for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a nondenominational, ecumenical ministry supplied by the Chaplain Supervisor. The Chaplain Supervisor shall be selected by the Superintendent of Police.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, clergy and the Department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be of high moral character.

(b) Must be ecclesiastically certified (endorsed) by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must be board eligible or board certified by the Association of Professional Chaplains (APC) or the National Association of Catholic Chaplains (NACC) and have at least five years of successful ministry experience within a recognized faith community.

(e) Possess a valid driver's license.

376.5 SELECTION PROCESS

Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit the appropriate written application to the Chaplain Supervisor.

(b) Include a recommendation from his/her faith's community elders, board or council.

(c) Interview with the Superintendent of Police or the authorized designee and the Chaplain Supervisor.

(d) Complete an appropriate probationary period as designated by the Superintendent of Police or the authorized designee and the Chaplain Supervisor.

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376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to:

(a) In the instance of an officer's death, the chaplain shall proceed to the private area of the hospital and await the arrival of the family.

(b) The Police Chaplain will assist the police department with notifications of an officer's death.

(c) In the case of serious injury, the chaplain shall report to the New Orleans Police Department waiting room (or other appropriate location within the hospital) to render his/her services to other members of the Department, family members and the injured individual.

(d) Visiting sick or injured law enforcement personnel in the hospital or at home.

(e) Attending and participating in, when requested, funerals of active or retired members of the Department.

(f) Assisting other personnel in the diffusion of a conflict or incident when requested by on-scene staff.

(g) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incidents that, in the judgment of the Platoon Commander or Field Supervisor, aids in accomplishing the mission of the Department.

(h) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of personnel.

(i) Counseling department members with personal issues or concerns, when requested by that department member.

(j) Attending department and academy graduations, ceremonies and social events, and offering invocations and benedictions, as requested.

(k) Responding to all major disasters, such as floods, bombings and similar critical incidents.

(l) Providing liaison with various religious leaders of the community.

(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Being willing to train to enhance effectiveness.

(o) Promptly facilitating requests for representatives or leaders of various denominations.

(p) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation. Chaplains may not accept gratuities for any services or any subsequent actions or follow-up that was provided while on-duty as a chaplain for the New Orleans Police Department.

376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the Department may work for the New Orleans Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege (CE. Art. 511).

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No chaplain shall provide counsel to or receive confidential communications from any New Orleans Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain

376.8 COMMAND STRUCTURE

(a) Under the general direction of the Superintendent of Police or the authorized designee, chaplains shall report to the Chaplain Supervisor.

(b) The Chaplain Supervisor shall serve as the liaison between the Chaplain Unit and the Superintendent of Police. He/she will act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days each month.

(b) Chaplains shall be permitted to ride with officers during any shift and observe New Orleans Police Department operations.

(c) Chaplains shall not be evaluators of employees.

(d) In responding to incidents, a chaplain shall never function as an officer.

(e) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the New Orleans Police Department.

(g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private and each chaplain will exercise appropriate security measures to prevent distribution of the data.

376.9.1 UNIFORMS AND BADGES

Identification and the necessary safety equipment will be provided for the chaplains.

376.10 TRAINING

Training for chaplains will correspond to the requirements of APC and/or NACC.

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Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children (ages 17 and under) and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The New Orleans Police Department will endeavor to create a strong cooperative relationship with local community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest situation, officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children or dependent adults. In some cases this is obvious, such as when children or dependent adults are present. However, officers should inquire if the person has any other dependent minor children or adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have dependents for fear the individual may be taken from them.

(c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child or adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the dependent child or adult that he/she will receive appropriate care.

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

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Officers should allow the arrestee reasonable time to arrange for care of minor children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts. Consideration regarding familiarity with the surroundings, comfort, emotional state and safety should be paramount.
2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children or adults with a non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children or a dependent adult until an appropriate caregiver arrives.

(c) Notify the Louisiana Department of Children and Family Services as appropriate.

(d) Notify the Field Supervisor or Platoon Commander of the disposition of minor children or dependent adults.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be included in the associated report.

380.3.2 REPORTING

Reporting should meet these minimum requirements:

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Names
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed
5. Which school the child attends

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Identity
2. Whether he/she reasonably appears able to care for him/herself
3. Disposition or placement information if he/she is unable to care for him/herself

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children or adults, the handling officer should consider taking the children

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or dependent adults into protective custody and placing them with the appropriate welfare service or other department-approved social service.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

The Child Abuse Unit will be contacted and be called to the scene to evaluate the situation.

380.5 SAFE HAVEN RELINQUISHMENT

An officer may take physical custody of an infant who is not more than 30 days old under the following circumstances (Ch. C. 1149 et seq.):

(a) The parent voluntarily relinquishes custody and says he/she will not return for the child and intends to forgo all parental responsibilities or states they wish to utilize the Safe Haven Law.

(b) The parent voluntarily delivers the child safely to the officer.

(c) The child has not been abused or neglected by the parent prior to the voluntary delivery.

The parent may do this anonymously (they do not have to provide their name or any other information) however, the child must be handed to the officer (or employee at an emergency care facility, police station or fire department).

The child abuse detective shall arrange for the immediate transportation of the child to the nearest hospital.

380.6 ELDER ASSISTANCE

If it is determined that an arrested person is a caregiver who provides assistance to a dependent elder the dependent elder may require placement with protective services.

An officer who learns of the need for the placement of a dependent elder into protective service should notify the Command Desk. The Command Desk shall contact Elderly Protective Services (504) 835-3005 or 800-673-4673 to obtain assistance. In an emergency situation with an elderly person who does not have capacity an Order for Protective Custody (OPC) can be obtained.

380.6.1 TYPES OF ELDERLY ASSISTANCE

Various types and levels of assistance may be available for elders in need of assistance. These include:

- PR380.2 Mental disorders
  When a caregiver is unable to provide care due to arrest, persons who suffer from a mental disorder will have to be put in protective service.
  After notification by the Command Desk a representative from Adult Protective Services will respond to the scene. If there is mental retardation requiring placement, the Metropolitan Human Services District (MHSD) will need to be contacted at (504) 599-0245 or http://www.mhsdla.org/home
- PR380.3 Additional services for assistance
  Additional services may be available by contacting the following:
  Elderly Protective Services (State of Louisiana). Will merge to Office of Aging and Adult Services (800) 673-4673 http://goea.louisiana.gov/
  Elderly Protective Services (local) 320 Hammond Highway Suite 300 Metairie, Louisiana 504-835-3005

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Adult Protective Services (APS) (800) 898-4910 (24 hours) www.prd.doa.louisiana

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Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The New Orleans Police Department is committed to the support of Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

Service animal includes a miniature horse if individually trained to do work or perform tasks for people with disabilities provided the animal is housebroken, is under the owner's control, the facility can accommodate the animal's type, size and weight and the animal's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

Guide dog or service dog - Any dog specifically trained to assist a person with a physical disability or handicap (e.g., dogs used for guiding, hearing, mobility, medical alerts) (La. R.S. § 21:51).

382.2 POLICY

It is the policy of this department to provide services and access to persons with service animals in the same manner as those without service animals.

382.3 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision
- Alerting people who are deaf or hard of hearing
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs
- Pulling wheelchairs
- Providing physical support and assisting with stability and balance
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people

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with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines

382.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the New Orleans Police Department affords to all members of the public (28 CFR 35.136).

382.4.1 REMOVAL OF SERVICE ANIMAL

If an animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability with or without a service animal.

382.4.2 SERVICE ANIMAL QUALIFICATIONS

If it is apparent or if a member is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

382.4.3 SERVICE ANIMAL CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteers

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - A non-paid individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered.

384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as a New Orleans Police Department volunteer include:

(a) Residency in the metropolitan area.

(b) At least 18 years of age for all positions other than Explorer.

(c) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a peace officer.

(d) No conviction of a misdemeanor crime within the past 10 years, excluding minor traffic offenses.

(e) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.

(f) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Superintendent of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The duties of the Volunteer Coordinator or the authorized designee shall include:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

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(d) Maintaining a record of volunteer schedules and work hours.

(e) Completion and dissemination as appropriate of all necessary paperwork and information.

(f) Planning periodic recognition events.

(g) Administering discipline when warranted.

(h) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

A truth verification exam may be required of each applicant depending on the type of assignment.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and proper clearance through the State and the FBI.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

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384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

(a) Role of the volunteer

(b) Department policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. The form is to be kept on file in the Field Operations Bureau. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Superintendent of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged

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misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Superintendent of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

384.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

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Task Forces

390.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines with respect to multi-agency task forces and task forces comprised solely of New Orleans Police Department personnel.

390.1.1 DEFINITIONS

Definitions related to this policy include:

Multi-agency task force - A task force comprised of members of the New Orleans Police Department and members of other local, state, or federal agency or agencies.

Citywide task force - A task force comprised solely of members of the New Orleans Police Department which are responsible for activities which are not confined to one police district or to a certain area.

District task force - A task force comprised solely of members of the New Orleans Police Department which are responsible for activities within one police district.

390.2 MULTI-AGENCY TASK FORCES

Multi-agency task forces may be created between the New Orleans Police Department and one or more outside agencies.

The creation of multi-agency task forces will be governed by a particular need which would be best attended to with a multi-agency task force.

Prior to the start of any multi-agency task force operation, a written agreement must be entered into by the New Orleans Police Department and any other agencies involved. This agreement may be drafted by the New Orleans Police Department, by the participating agency, or in a cooperative effort between the participating agencies. This agreement shall include the following:

- Identification of the specific purpose of the task force;
- The authority and responsibility of participating agencies or positions within the task force;
- The method of accountability (both within the task force and with the participating agencies);
- Identification of available resources; and
- The method to be used for evaluating results (i.e., tracking the effectiveness of the task force, etc.) and the continued necessity of the multi-agency task force.

The agreement will be negotiated between the Superintendent of Police or his/her designee and the proper authority associated with the participating outside agencies.

390.2.1 TERMINATION OF MULTI-AGENCY TASK FORCES

The multi-agency task force shall be terminated when the mission for creating the task force has been completed or when directed by the Superintendent of Police.

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390.3 CITYWIDE / DISTRICT TASK FORCES

Citywide task forces may be created by a directive issued by the Superintendent of Police or his/her designee.

District task forces may be created by a directive issued by the respective district commander as a multi-use task force unit or as a special task force created to attend to a specific purpose.

The directive creating the task force shall include the following information:

- Identification of the purpose;
- A definition of authority and responsibility;
- The method of accountability;
- Identification of resources available; and
- The method to be used for evaluating results and the continued necessity of the citywide or district task force.

390.3.1 TERMINATION OF CITYWIDE / DISTRICT TASK FORCES

Citywide task forces shall remain operational until terminated by the Superintendent of Police or his/her designee.

District task forces may be terminated by the proper district commander, as deemed necessary.

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Court Security

393.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the duties and responsibilities of those officers assigned to either Municipal, Traffic, or Juvenile Court where the New Orleans Police Department shall provide security during court hours. Officers assigned to court security are not responsible for the handling of prisoners, either adult or juvenile. In addition, court security does not extend beyond the physical boundary of the actual courtroom except when taking police action when encountering the commission of a crime or to protect life and or property (La. R.S. 13:1568; La. R.S. 13:2499; Sec. 50-42).

393.2 INSTRUCTIONS

Officers who are assigned as courtroom security during judicial proceedings shall be responsible for:

(a) Physical security of the judges and non-custodial court participants in the courtroom; and

(b) Maintaining order in the courtroom.

The New Orleans Police Department will designate a ranking officer to serve as liaison between the Courts and the Department. The liaison officer shall also serve as the immediate supervisor of those officers assigned to court security.

Officers assigned to courtroom security should visually inspect the courtroom upon arrival at work. Should the officer observe or be advised of any malfunction of any door, window, lighting, accessibility, secure areas, restricted areas or communications, it shall be that officer's responsibility to notify the Department of Property Management in a timely manner.

393.3 UNIFORM AND EQUIPMENT

Officers assigned to courtrooms security functions shall be attired in the department uniform and shall be responsible for having such equipment as may be needed to assure security and maintain order in their respective courtroom. Such equipment shall include:

(a) Department issued radio;

(b) Firearm (Traffic and Municipal Courts only); and

(c) Handcuffs.

393.3.1 COURT EQUIPMENT

Officers assigned to courtrooms shall have at their disposal those items supplied by the respective court utilized for security purposes in its day to day operation. These items shall include but not be limited to:

(a) Access to holding areas where detainees are maintained;

(b) All types of physical restraining devices supplied by the court;

(c) Communication devices including telephones, radios, and pagers;

(d) Keys or pass codes to areas normally secured but may have to be entered or exited in an emergency; and

(e) Other items deemed appropriate by the individual judicial authority.

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393.4 EMERGENCY PLANS

In the event of an unusual occurrence or emergency situation, the officer shall assume control and request additional police, fire, or medical assistance as the circumstance requires. Each incident requiring the intervention of an officer shall be handled according to the current Department policy/procedure.

Security of court buildings, facilities, emergency procedures, and etc., are under the purview of the judicial body or city agency responsible for its operation. Officers shall comply with all legal guidelines and policies issued by that operating authority.

Officers assigned to the court shall be aware of any and all alarm features installed by the proper authority and shall be familiar with their operation.

393.5 CARRYING WEAPONS IN THE COURTROOM

Members of the New Orleans Police Department will comply with any policy or procedure which may be established by the City of New Orleans Department of Property Management as it relates to the carrying of weapons in the Municipal and Traffic Courts Building.

393.5.1 JUVENILE COURTS

Members of the New Orleans Police Department shall comply with any policy or procedure which may be established by the Orleans Parish Civil Sheriff's Office as it relates to the carrying of weapons in the Juvenile and Civil Courts Building.

393.6 USE OF RESTRAINTS

Officers assigned to Courtroom security may use handcuffs and/or ankle shackles to restrain any person ordered by the court to be detained, until such detainee may be turned over to the custody of the Orleans Parish Criminal Sheriff. Officers assigned to courts shall not use any detention or restraint device or restraint method which is prohibited by the New Orleans Police Department.

393.7 COMMUNICATION EQUIPMENT

Judges have telephones located at or in close proximity to the bench. Officers shall be equipped with two-way radios linked to the New Orleans Police Department dispatch, as well as with other emergency frequencies.

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Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Field Operations Bureau to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers shall generally patrol in clearly marked vehicles. They shall patrol assigned jurisdictional areas of the City of New Orleans, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day, seven days a week.

Patrol shall generally provide services within the limits of available resources. These include:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and traffic crashes, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other bureaus within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the New Orleans Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism, including the use of force or violence in furtherance of political or social objectives as generally defined in 28 CFR 0.85(l) and La. R.S. 14:128.1. Officers shall advise a supervisor as soon as practicable of any activity believed to be terrorism-related and shall document such incidents in an incident report.

The supervisor shall ensure that the Special Investigations Division supervisor is informed of all terrorism-related reports in a timely fashion. The Special Operations Division, Homeland Security Unit shall review all terrorism-related reports as soon as practicable and notify the New Orleans Office of Homeland Security and other appropriate NOPD Divisions/Units when there is a reasonable suspicion that a terrorism threat exists.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organizational cooperation and information flow between the various bureaus of the New Orleans Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Comstat process is one of the methods used by the New Orleans Police Department to share information on crime and crime trends. The Crime Analysis Unit assists in the preparation and dissemination of information for the Comstat process. Criminal information and reports can be submitted to the Crime Analysis unit for distribution within the Department through the Comstat process.

400.2.2 INCIDENT REPORTS

A report may be completed by any officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL ROLL CALL

Patrol supervisors, investigative sergeants and special unit sergeants share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol roll call, as time permits.

400.2.4 INFORMATION CLIPBOARD

The roll call clipboard will be maintained in the roll call room and will be available for review by officers from all districts within the Department.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, public displays and unpermitted parades. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor shall be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement shall carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Discriminatory Policing/Bias-Based Profiling, LBGT Community

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees of the New Orleans Police Department do not engage in discriminatory policing and/or racial/bias-based policing or violate any related laws while serving the community.

Race, color, ethnicity or nationality, religion, actual or perceived gender or gender identity, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Biological sex - The sex assigned to someone at birth, can refer to genitalia or chromosomal make-up.

Demographic category - Includes age, race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity.

Discriminatory policing - The selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies based on membership in a demographic category. Discriminatory policing does not include using race, ethnicity, or any other status in any reliable and recent suspect-specific description.

Gender identity / Gender expression - A gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

Probable cause - The facts and circumstances known to the officer at the time would justify a prudent person in believing that the suspect committed, or was committing an offense.

Racial/bias-based policing - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, gender, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

Reasonable suspicion - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been or is about to be committed.

Sexual orientation - The direction of one's sexual interest toward members of the same, opposite or both sexes, especially a direction seen to be dictated by physiologic rather than sociologic forces.

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

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402.2 POLICY

The New Orleans Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other differences of those we serve. It is the policy of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual or group.

402.3 DISCRIMINATORY POLICING/BIAS-BASED PROFILING PROHIBITED

Discriminatory policing and racial/bias-based policing is strictly prohibited. However nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity, sexual orientation or actual or perceived gender identity in combination with other legitimate factors (i.e., weight, age, height, dress, etc.) when giving the description of a suspect or perpetrator of a crime.

402.4 LBGT INDIVIDUALS - GENERAL PROVISIONS

Officers shall treat lesbian, gay, bisexual, and transgender (LGBT) individuals with courtesy, professionalism and respect.

Officers are specifically prohibited from using demeaning, harassing, intimidating, or derogatory language regarding or toward LGBT individuals. Officers shall address transgender individuals with their chosen name, title, and pronoun. Where the individual does not self-identify and the gender is not clear to a reasonable person, or the officer is uncertain, the officer shall ask the subject how they would like to be addressed, in a professional manner.

Officers shall not engage in any sexual harassment of the public, both on or off duty.

Officers shall not use an individual's actual or perceived gender identity, or sexual orientation as reasonable suspicion or probable cause that an individual is or has engaged in any crime.

Officers shall not request identification from or otherwise initiate a contact solely on the basis of sexual orientation or actual or perceived gender identity/expression. Officers shall not subject transgender individuals to more invasive or more frequent frisk procedures due to actual or perceived gender identity. Officers shall not frisk any person for the purpose of determining that person's gender or to view or touch the person's genitals. At no time, shall an officer refuse to search someone based on their actual or perceived gender identity, gender expression, or sexual orientation. Under no circumstance shall members of this department search any person solely for the purpose of determining that person's sex.

Where same-gender searches are required by law, the officer shall respect the gender identification expressed by the individual.

Officers shall not fail to respond to a call for service or complaint on the basis of the caller or complainant's actual or perceived gender identity, gender expression, or sexual orientation.

402.5 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of discriminatory policing and racial/bias-based policing to a supervisor.

No person shall be discouraged, intimidated, or coerced from filing a complaint alleging profiling by any commissioned or civilian employee of this department.

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402.5.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer shall include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.6 SUPERVISOR RESPONSIBILITY

Supervisors are responsible for diligently monitoring those individuals in their command for any behavior exhibited that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) In instances where a Digital Mobile Video Audio Recorder (DMVAR) is utilized for the purpose of documenting the contact officers have with citizens, supervisors should periodically review the DMVAR recordings for any behavior exhibited by officers that violates this policy.

    1. Supervisors should document when these periodic reviews have occurred.

    2. Recordings that capture a potential instance of racial/bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial/bias-based policing.

402.7 ADMINISTRATION

Each January, the Deputy Superintendent of the Public Integrity Bureau will assess all NOPD programs, initiatives, and activities to ensure that no program, initiative, or activity is applied or administered in a manner that discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation or gender identity. Included will be an assessment of misconduct complaints involving discrimination, use of force, motor vehicle and pedestrian stops, and arrest, including the selection or rejection of particular geographic deployment tactics or strategies based upon stereotypes or bias. These assessment programs, initiatives, and activities will be based on accurate, complete and reliable data, including data contained in the EWS, stop and detention data, use of force analysis, crime trend analysis in relation to population demographics, enforcement practices based on community concerns, operations plans and after-action report. These assessments will be made available to the public.

402.8 TRAINING

Training on discriminatory policing and racial/bias-based policing and review of this policy shall be conducted as directed by the Education and Training Division.

As part of, or in addition to, training, all officers shall view the video on racial/bias-based policing produced by the Department of Public Safety and Corrections (La. R.S. 32:398.10(F)).

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In addition to the above training, officers shall attend yearly training by members of the LBGT community.

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Roll Call

404.1 PURPOSE AND SCOPE

Roll call is generally conducted at the beginning of the officer's assigned shift. Roll call provides an opportunity for important exchange between employees and supervisors. A supervisor will conduct roll call.

Roll call should accomplish, at a minimum, certain basic tasks, including:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

(f) Any item that may be appropriate for discussion.

404.2 ROLL CALL

Roll call training shall be provided at the beginning of each shift and shall include special topics selected by the Training Division Commander or District Commander that includes but it not limited to:

(a) Officer safety.

(b) Readiness.

(c) Community concerns.

(d) Department procedural matters.

(e) Review and discussion of new or updated policies.

(f) Presentation and discussion of the proper application of existing policy to routine and unusual daily activities.

(g) Presentation and discussion of the proper application of existing policy to unusual activities.

(h) Reviewing recent incidents for training purposes.

404.3 PREPARATION OF MATERIALS

The supervisor conducting roll call and/or roll call training is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate supervisor in his/her absence, or to a subordinate officer with a particular expertise in the subject matter.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 MAJOR CRIME SCENES

Major Crime Scenes is a location where any of the below crimes took place (or another location where evidence to those crimes 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:

- Homicide
- Suicide
- Unclassified Death
- Aggravated battery (serious condition, possibly fatal)
- Police Involved Shooting
- Rape
- Aggravated Kidnapping
- Arson (with serious injury, possibly fatal)

406.3 CRIME SCENE RESPONSIBILITIES

The first officer at the scene of a crime or major incident is generally 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. 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.

406.3.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder 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) Ensure no suspects are still in the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Evacuate the location as required.

(e) Identify hazards or dangerous conditions to responding personnel.

(f) Secure the inner and outer perimeter if needed.

(g) Protect items of apparent evidentiary value.

(h) Identify potential witnesses.

(i) Start a chronological log noting critical times and personnel allowed access.

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(j) Prevent unauthorized access of personnel, the media or the public.

406.4 SEARCHES AT CRIME OR DISASTER SCENES

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 are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further searches until proper authority for the search is obtained.

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Crisis Response Unit - SWAT

408.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

The mission of SOD's Tactical Platoons (currently known as SWAT Teams) shall be limited to providing a specialized response to critical situations where a tactical response is required, such as hostage rescue, barricaded subjects, high-risk warrant service and high-risk apprehension, and terrorism response. SWAT tactics and equipment shall be prohibited from being deployed or used for routine or proactive patrol functions or crime prevention, or for the service of non-high-risk warrants, unless approved in writing by a Deputy Superintendent. This provision does not prohibit SWAT Team members from providing uniformed policing services.

Barring emergency circumstances, the SWAT Team shall have the primary responsibility for execution of any high-risk warrant utilizing tactical team officers equipped with special equipment, training, and weapons.

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on scene evaluation, the Operational Policy outlined in this section serves as a guideline to Department personnel, allowing for appropriate onscene decisionmaking as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

The SWAT Commander, or the authorized designee, shall conduct an annual assessment to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and review its training.

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408.1.2 SWAT TEAM DEFINED

SWAT team A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other highrisk incidents. As a matter of department policy, such a unit shall be used to serve highrisk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 408.2 LEVELS OF CAPABILITY/TRAINING

LEVEL III

Level III SWAT team The New Orleans Police Department maintains a Level III SWAT Team.

Level III Team Defined: Level III Team is an advanced level team whose personnel function as a fulltime unit. Generally, 25 percent of their onduty time is devoted to training and maintaining their certifications. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multiagency response

(h) Multi Jurisdictional response

(i) Specialized functions and supporting resources

408.3.1 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at a minimum, the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

    1. All SWAT team members should have an understanding of operational planning.

    2. SWAT team training should consider planning for both spontaneous and planned events.

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3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of postincident scene management should include:

1. Documentation of the incident should be prepared by the Negotiation Team.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
   (a) After action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
   (b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.
   (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
   (d) When appropriate, debriefing should include specialized units and all personnel present during the incident.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

408.4 TRAINING NEEDS ASSESSMENT

The Special Operations Division (SOD) Commander shall conduct an annual SWAT training assessment to ensure that training is conducted within team capabilities and department policy.

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the NOPD 4 Week Basic SWAT Course.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent

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408.4.2 UPDATE TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete a two week update or refresher training course every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

408.4.4 SWAT ONGOING TRAINING

training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT basic drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the SOD Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Quarterly each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the SOD Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

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408.4.5 TRAINING SAFETY

Use of a designated safety officer shall be employed for all tactical training.

408.4.6 SCENARIOBASED TRAINING

SWAT teams should participate in scenariobased training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Staff. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT AND FIREARMS

408.5.1 UNIFORMS

SWAT teams should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT

SWAT teams should be adequately equipped to meet the specific mission identified by the Department.

408.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be departmentissued, including any modifications, additions or attachments.

408.5.4 OPERATIONAL READINESS INSPECTION

The commander of the CRU shall appoint a CRU supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SOD Commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The commander of the CRU shall be selected by the Superintendent of Police.

408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Superintendent of Police, through the Field Operations Bureau Commander, the Crisis Response Unit shall be managed by the appointed SOD Commander.

408.6.2 TEAM SUPERVISORS

The Crisis Negotiation Team (CNT) and each SWAT team will be supervised by a team leader who has been appointed by the SOD Commander.

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The team supervisors shall be selected by the Superintendent of Police upon specific recommendation by the staff and the SOD Commander.

The following represent supervisor responsibilities for the Crisis Response Unit:

(a) The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, firstline participation and other duties as directed by the SOD Commander.

(b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, firstline participation and other duties as directed by the SOD Commander.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to deescalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

408.7.1 SELECTION OF PERSONNEL

Interested officers, who are off probation and have served 2 years as a platoon officer, shall submit a request to their appropriate Division Commander. A copy will be forwarded to the SOD Commander and the CNT sergeant. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SOD Commander, the CNT sergeant and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process

(c) Effective communication skills to ensure success as a negotiator

(d) Special skills, training or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The oral board shall submit a list of successful applicants to the Field Operations Bureau Commander for final selection.

408.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a departmentapproved 40 hour basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter, and an additional 40 hour annual training will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

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408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

408.8.1 SELECTION OF PERSONNEL

Interested officers who are off probation and has served 2 years as a patrol officer shall submit a request to their appropriate Division Commander, a copy of which will be forwarded to the SOD Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SOD Commander. The testing process will consist of an oral board, physical agility test and a SWAT basic handgun and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SOD Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member
3. Special skills, training or appropriate education as it pertains to the assignment
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWATrelated duties.

(c) The test and scoring procedure will be established by the SOD Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(d) SWAT basic handgun: Candidates will be invited to shoot the SWAT basic drill for the handgun.

(e) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(f) A list of successful applicants shall be submitted to the staff by the SOD Commander for final selection.

NOPD personnel shall serve on the SWAT Team for no more than five consecutive years unless they provide a specialized-service function (e.g., negotiator, bomb technician). After this period of service all personnel shall be reassigned for a period of three years before they may return to SWAT.

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SOD Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

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408.9 OPERATIONAL GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SOD Commander.

408.9.1 ONSCENE DETERMINATION

The supervisor in charge at the scene of a particular event will contact the SOD Commander, or his designee, and advise him of the circumstances. The SOD Commander will assess whether the Crisis Response Unit should respond.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF A CRISIS RESPONSE UNIT

The following are examples of incidents that may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Cases of suicide threats

(d) Arrests of persons reasonably believed to be dangerous

(e) Any situation in which CRU or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Superintendent of Police, or his designee. Deployment of the New Orleans Police Department Crisis Response Unit in response to requests by other agencies must be authorized by Superintendent of Police, or his designee.

408.9.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, and memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multiagency and multidisciplinary joint training exercises are encouraged.

(b) Members of the New Orleans Police Department SWAT team shall operate under the policies, procedures and command of the New Orleans Police Department when working in a multiagency situation.

408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The on scene supervisor shall make a request to the Platoon Commander for the Crisis Response Unit to respond. The Platoon Commander shall then notify the SOD Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Platoon Commander's office by the SOD Commander. The Platoon Commander will then notify the Field Operations Bureau Commander as soon as practicable.

The Platoon Commander should brief the SOD Commander with the following information if available:

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(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SOD Commander shall then call selected officers to respond.

408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency/arrest response team prior to SWAT arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a lethal threat or behavior.
3. Evacuate any injured persons or citizens in the zone of danger if it can be done without placing them at risk.
4. Attempt to establish preliminary communications with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.

(d) Be prepared to brief the SOD Commander on the situation.

(e) Plan for and stage anticipated resources.

408.9.7 ONSCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit, the Incident Commander shall brief the SOD Commander and team supervisors. Upon review, it will be the decision, of the SOD Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the SOD Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Crisis Response Unit. The Incident Commander and the SOD Commander or the authorized designee shall maintain communications at all times.

408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All persons who are nonCrisis Response Unit personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with CRU personnel directly. All nonemergency communications shall be channeled through the CNT sergeant or the authorized designee.

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408.10 REVIEW AND REPORTING

Supervisory review of SWAT Team deployments shall be conducted by an un-involved, command level supervisor possessing the requisite knowledge and expertise to analyze and critique specialized response protocols, and shall identify any policy, training, equipment or tactical concerns raised by the action. Command staff shall identify areas of concern or particular successes, and shall implement the appropriate response, including modifications to policy, training, or tactics.

The SOD Commander or designee will track and analyze the number of SWAT Team deployments. The analysis shall include the reason for each activation, the legal authority, type of warrant (if applicable), and the result of each deployment, including:

(a) The location

(b) The number of arrests

(c) The type of evidence or property seized

(d) Whether a forcible entry was required

(e) Whether a weapon was discharged by SWAT Team member

(f) Whether a person or domestic animal was injured or killed

This information will be entered in the EWS and included in the NOPD's annual Use of Force Report.

In addition to any Use of Force Reports, the SWAT Team shall document its activities in detail, including preparing written operational plans in consistent formats, and written after-action reports subsequent to call-outs and deployments to critical situations, such as hostage rescue, barricaded subjects, high-risk warrant service, high-risk apprehension, and terrorism response. After-action reports shall address any areas of concern related to policy, training, equipment, or tactics.

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Ride-Along/Civilian Observer/Transporting Civilians

410.1 PURPOSE AND SCOPE

This policy sets guidelines for the application and authorization for civilian ride along observers. Additionally, situations arise which require members to transport civilians in department vehicles for their safety or to further the interest of the Department.

Nothing in this policy shall be construed as negating the City of New Orleans' policy on the use of city vehicles as published by the CAO's office.

410.2 ELIGIBILITY FOR RIDE-ALONG AND CIVILIAN OBSERVERS

The New Orleans Police Department ride-along/civilian observer program is offered to residents, students, news media representatives and those employed within the City. Reasonable efforts should be made to accommodate interested persons. Participants must complete the application process in order to participate in the Ride-Along/Civilian Observe program. Any applicant may be disqualified without cause from participating in the program.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by the Superintendent of Police, the City Attorney's Office or any supervisor

410.3 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Office of the Superintendent. Individual requests for a ride along for special circumstances shall be submitted to the Office of the Superintendent by the requesting individual fifteen (15) days prior to the proposed date stating the special circumstance. Written requests shall be approved by the Superintendent of Police and the City Attorney's Office as deemed necessary. Authorization for this activity shall not be acceptable from any other authorities.

After obtaining written permission from the Superintendent of Police and the City Attorney's Office, the ride-along participant shall deliver the written permission to the Public Affairs Office. The Public Affairs Office shall notify the division, district, or unit commander of the date and time the participant will arrive to participate in the ride along. The participant shall complete and sign the "Indemnity, Defense, and Hold-Harmless Agreement" (Form #279). If the participant is under 18 years of age, a parent/guardian must be present to complete the form. The participant must deliver the completed form to the Platoon Commander where he/she is directed to report. The original shall be filed in the Public Affairs Office, with a copy to be filed by the Platoon Commander where the individual participates as in the ride-along.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

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410.3.1 PROGRAM REQUIREMENTS

Once approved, civilian participants will be allowed to ride no more than once every six months. An exception would apply to the following:

- Explorers
- Qualified volunteers
- Chaplains
- Reserves
- Auxiliary
- Police applicants with approval of the Superintendent of Police

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one participant will be allowed in the officer's vehicle at a given time.

410.3.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Platoon Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

410.3.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Platoon Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.3.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local, Louisiana Computerized Criminal History (LACCH) and National Crime Information Center (NCIC) criminal history check prior to approval as a ride-along participant (provided that the participant is not an employee of the New Orleans Police Department).

410.4 OFFICER'S RESPONSIBILITIES

The officer shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. Officers shall consider the safety of the participant at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as gunfire or a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit responds to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported in writing to the Platoon Commander and forwarded to Superintendent of Police, the City Attorney's Office and the Public Affairs Office. All incidents resulting in a termination of the ride shall be documented

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in an inter-office correspondence to the Superintendent of Policy through the chain of command.

The Public Affairs Office is responsible for maintaining and scheduling ride-alongs.

410.5 CONTROL OF RIDE-ALONG

The officer shall maintain control over the participant at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

(a) The participant will follow the directions of the officer.

(b) The participant shall not be armed with any type of weapon.

(c) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(d) The participant may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the participant interferes with the performance of the officer's duties.

(e) Ride-along participants may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(f) Officers will not allow any participant to be present in any residence or situation that would jeopardize his/her safety or cause undue stress or embarrassment to a victim or any other person.

(g) Under no circumstance shall a civilian participant be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

410.6 NEWS MEDIA

Request received from the news media to gather information concerning the department or its employees, shall follow the requirements of this policy. Upon approval, these requests shall be coordinated with the Public Affairs Office.

410.7 TRANSPORTING CIVILIANS

Department employees on duty are authorized to use department vehicles to transport civilians away from hazardous and/or dangerous places or situations, and relocate those persons to a place of greater safety.

Hazardous situations, dangerous places and authorized relocations may include, but shall not be limited to:

(a) Stranded motorists

(b) Evacuation from hostile area

(c) Victims and witnesses

(d) Passengers of motor vehicles when the driver is arrested

(e) Accident scenes

Employees shall only transport civilians as a safety measure, not a convenience to the civilian, nor shall they allow civilians to ride in a department vehicle while they perform their normal duties, unless authorized by the Superintendent of Police.

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Employees may transport individuals relative to an on-going investigation (i.e., material witness for homicide statement, etc.).

When transporting any civilian, employees shall notify the dispatcher of their activity, giving the starting odometer reading, destination, number of passengers upon leaving the scene and the ending odometer reading upon arrival at their destination, along with recording the incident on their Daily Activity Report.

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Weapons of Mass Destruction (WMD)

411.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines in the reporting of, and response to, incidents involving Weapons of Mass Destruction (WMD).

411.1.1 DEFINITIONS

Definitions related to this policy include:

Weapon of Mass Destruction - Includes any (18 USCA § 2332a):

- Destructive device as defined in 18 USCA § 921;
- Weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
- Weapon involving a biological agent, toxin, or vector; or
- Weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

Destructive device - Includes any (18 USCA § 921):

- Any explosive, incendiary, or poison gas;
- Bomb;
- Grenade;
- Rocket having a propellant charge of more than four ounces;
- Missile having an explosive or incendiary charge of more than one - quarter ounce;
- Mine;
- A device similar to any of the devices previously described;
- Any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one - half inch in diameter; and
- Any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) and from which a destructive device may be readily assembled.

Types of WMD - The range of WMD does include:

- Biological agents;
- Nuclear and radiological weapons;
- Incendiary Devices;
- Chemical agents;
- Explosives.

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411.2 COMMUNICATIONS SERVICES RESPONSIBILITIES

Upon receiving a complaint of a WMD incident, the complaint operator shall obtain the following information:

- Caller information;
- Location of WMD;
- Type of WMD if known; and
- Description of the WMD;
- Size and shape;
- Whether or not the package or container has been opened; if known,
- Whether the WMD has been released into the air or is leaking;
- When the WMD was delivered, and by whom or how it was delivered;
- How the WMD was transported through the building, if delivered to a building;
- How many people have handled the WMD once inside the building; and
- Keep the caller on the phone, if possible, to provide additional information if needed.

Once the initial information is obtained and entered into the complaint history, the complaint operator shall immediately notify the Command Desk Supervisor. The Command Desk Supervisor shall notify the Patrol Supervisor of the affected district(s), and further advise the Patrol Supervisor which units are clear to respond to the incident. The Command Desk Supervisor shall obtain the weather conditions and wind speed and direction and advise the dispatcher responsible for the incident. The Command Desk Supervisor shall immediately notify the Superintendent, Deputy Superintendents, and all departmental commanders. The Office of Homeland Security and Special Operations Divisions are to be notified and required to confirm notification with the Command Desk. The Command Desk Supervisor shall also contact the Emergency Medical Services (EMS) and New Orleans Fire Department (NOFD) dispatchers and advise them of the incident.

The dispatcher shall assign the complaint to a supervisor and two (2) one person units from the affected district. The dispatcher shall also advise the responding units of the weather conditions and wind direction.

411.3 RESPONDING UNIT RESPONSIBILITIES

Responding units shall proceed cautiously to the scene. Once arriving on the scene, the responding units shall maintain a safe distance of at least 700 - 1000 feet and evaluate the scene. Prior to entering the scene the responding unit should:

- Advise the dispatcher of arrival at the scene;
- Turn off all electronic equipment, radio, cell phones, etc. prior to entering the scene;
- One unit is to maintain a safe distance of at least 700 - 1000 feet to communicate with the dispatcher, advising if no additional units are needed, or if additional units/support units are needed;
- Approach the area cautiously from an upwind direction, resisting the urge to rush in;
- Secure the scene;
- Identify the hazards;
- Assesses the situation, considering the following:
  - Is there a fire, a spill, or a leak?
  - What are the weather conditions?

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  - What is the terrain like?
  - Who/what is at risk: people, property, or the environment?
  - What actions should be taken?
  - Are evacuation routes or shelters necessary?
  - What can be done immediately?

- Notify the dispatcher of safe ingress and egress routes; and
- Document all actions.

411.4 SUPERVISOR RESPONSIBILITIES

Once the supervisor has determined the scene appears to be the result of a WMD incident, the supervisor shall:

- Ensure the scene is secured;
- Notify the Command Desk of the incident and advise of observations;
- Have the Command Desk notify NOFD and EMS and advise them of the observations noted;
- Account for all personnel involved and assign their duties, traffic control, etc.;
- Identify ingress and egress routes;
- Request additional units, if needed;
- identify what resources (human and equipment) are required and estimate the time to deployment;
- Advise their platoon commander and/or commander of the district;
- Evacuate, as necessary, or as directed; and
- Assign responsibility to document all actions.

411.5 COMMAND DESK RESPONSIBILITIES

Once the Command Desk has been notified of a confirmed WMD incident, the Command Desk shall make the proper notifications. The Command Desk shall maintain a book containing the names of each agency to be notified depending on the type of incident. This book shall be updated on a quarterly basis.

During normal business hours, the Command Desk shall notify the Deputy Superintendent of the Management Services Bureau to have Police Headquarters locked down and secured. In the event of evening hours and weekends, the Command Desk shall notify the Juvenile Section and have Police Headquarters locked down and secured. In both instances, non-departmental members should be evacuated from the building, allowing only departmental member to access Police Headquarters.

Command Desk shall notify the Commander of the Homicide Cold Case Squad in the event of a confirmed WMD incident.

Command Desk personnel shall broadcast an Emergency Alert across all radio dispatcher controlled talk groups maintained by the New Orleans Police Department (NOPD) and MDT's. This Emergency Alert shall be repeated every hour until the threat is secured. The Emergency Alert shall contain the location, weather conditions and basic information about the incident.

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411.6 CONTROL OF THE SCENE

Once it is determined as to the type of incident, the proper agency, or agencies, shall control the scene (i.e.: fire, search and rescue, Hazmat, etc.). In all instances, the NOPD shall use the National Incident Management System/Unified and Incident Command System.

411.6.1 OVERALL SCENE SUPERVISION (NEW ORLEANS POLICE DEPARTMENT)

The Commander of the Special Operations Division shall be designated as the Overall Scene Supervisor (Incident Commander) for the department. The Incident Commander shall work in conjunction with the NOFD and EMS in order to do the following:

- Designate a safe area for a command post;
- Designate a safe area for a decontamination area;
- Designate a safe area for first aid; and
- Document all actions.

Once representatives of the Federal Bureau of Investigation (FBI) arrive on the scene, they will assume the responsibilities of the scene and crisis management of all incidents involving federal violations. The NOPD shall use the National Incident Management System/Unified and Incident Command System.

411.7 MEDIA RELATIONS

The Commander of the Public Information Office, or his/her designee, shall respond to the scene. Once arriving on the scene, he/she will set up a staging area for the media and establish ground rules for scheduled briefings.

411.8 DE-ESCALATION OF AN INCIDENT

All supervisors shall be responsible and accountable for all personnel under their command at the conclusion of police operations. In the event personnel are not immediately located, the supervisor will then notify the Incident Commander. The Incident Commander, in turn, will formulate a search plan for the missing personnel.

Supervisors shall be accountable for all equipment issued to personnel under their command.

The Incident Commander shall prepare an After-Action Report to the Superintendent, Deputy Superintendents, and the Office of Emergency Preparedness (OEP) within seven days of the incident containing:

- Incident item number, location, date and time of incident;
- Duration of the incident;
- Incident command staff;
- Specialized units involved;
- Inventory of all department equipment utilized;
- All agencies involved;
- All personnel used;
- Synopsis of the incident including;
- Weather conditions, and
- If any public resources were affected,
- Any injuries, deaths, or arrests;

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- Problems encountered; and
- Recommendations.

411.9 DOCUMENTATION OF A WMD INCIDENT

The FBI is the federally mandated agency for crisis management of a WMD incident. If an incident report is required the below listed divisions are responsible for documentation, after consultation with the FBI.

For all WMD incidents involving biological, chemical, nuclear, or radiological warfare, the NOPD's Homeland Security Section shall document the incident.

All WMD incidents involving serious injury or death shall be documented by the NOPD's Cold Case Squad.

All incidents involving bombings, intentional explosion or arson with a non-terrorism motive shall be handled in accordance with the current policy, except in the following instances:

- If the bombing, intentional explosion or arson incident is clearly an act of terrorism, the NOPD Homeland Security Section shall document the incident, after consultation with the FBI;
- If the bombing, intentional explosion or arson incident is clearly an act of terrorism and results in serious injury or death, the NOPD Cold Case Squad shall document the incident, after consultation with the FBI.

411.10 CRITICAL INCIDENT STRESS DEBRIEFING

Personnel involved in critical incidents may be traumatized to varying degrees. Post-incident debriefings will be set up to reduce the impact of the incident, as well as enhance the well-being and recovery of personnel. The Human Resources Services, Employee Relations Section, shall ensure all personnel requiring assistance are provided with information needed to assist in the recovery of the member.

The Department's Psychologist and Police Chaplin shall be utilized when possible to meet the needs of the involved personnel.

411.11 OTHER RESOURCES

This policy is to be used in conjunction with the NOPD Emergency Management Plan.

A ranking member of the Field Operations Bureau, with the rank of Police Commander or higher shall respond to the OEP, located at City Hall, and act as a liaison between the field units and the OEP.

One member of the NOPD Joint Terrorism Task Force shall respond to the FBI Headquarters and act as a liaison between the field units and the FBI.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this department.

412.1.1 DEFINITIONS

Hazardous material - Any gaseous, liquid, or solid material which because of its quantity, concentration, or physical, chemical, or biological composition poses a substantial present or potential hazard to human health, the environment, or property when transported in commerce, or which material is identified or designated as being hazardous by rules and regulations adopted and promulgated by the secretary of the Department of Public Safety and Corrections (La. R.S. 32:1502(5)).

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear if available, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

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(f) Notify the New Orleans Fire Department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Call the Louisiana State Police Hazardous Materials 24-hour hotline at 1-877-925-6595 to request information and assistance via Command Desk.

(l) Upon approval of a supervisor, request that reverse 9-1-1 calling to the affected area be activated, if available.

A responder entering the area of a hazardous material event may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

412.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to the incident report.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment may be available through supervisory personnel. Safety items not maintained by the Department will be obtained through the New Orleans Fire Department (NOFD).

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by barricading themselves in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Sniper situation - An incident where an individual is armed and has announced intentions or apparently intends to harm life or property, and such report has been confirmed. Where shots have been or are being fired placing lives and or property in danger, and responding officers through their assessment have reason to believe that the perpetrator is still on the scene.

414.2 POLICY

It is the policy of the New Orleans Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

Initial responding officers should not try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries and gather intelligence information.

Officers initially on the scene shall not bargain with, negotiate with or entertain any requests made by persons holding hostages nor allow them to leave the area except as authorize by the Special Operations Division (SOD) Tactical Commander.

When available, department negotiators should respond to the scene as soon as practicable and take over communication responsibilities, at the direction of the SOD Tactical Commander. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

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414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responder shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained negotiators. Based upon the level of risk, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, support aircraft).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer through the Command Desk.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident through the Command Desk.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. Based upon the level of risk, the following options, while not all-inclusive or in any particular order, should be considered:

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(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the suspect should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so.

(e) Request additional personnel, resources and equipment as needed (canine team, aircraft support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident through the Command Desk.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

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(h) Ensure adequate law enforcement coverage for the remainder of the city during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Communications Services.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 SWAT RESPONSIBILITIES

The highest ranking officer on the scene will be designated Scene Commander and will utilize the necessary on duty personnel to maintain an effective perimeter until the arrival of the Special Operations Supervisor who shall assume responsibility. The Special Operations Supervisor will be responsible for setting up a Command Post, an inner perimeter, and field related tactical measures from which to assure containment, control and handling of the incident. The highest ranking officer for the district of occurrence will be responsible for the outer perimeter utilizing on-duty personnel unless or until sufficient Special Operations personnel are also available for outer perimeter control.

The Scene Commander will provide for the evacuation of all other persons that might be in danger from actions of the police and/or perpetrator. These activities should be carried out without confronting the perpetrator or endangering police personnel. Scene Commanders shall be responsible for control of all police personnel and the monitoring of police officer safety.

414.6.1 REPORTING

The first responding officer from the district of occurrence shall be responsible for the completion of the initial report.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 PRIORITY CALL

All calls received of a bomb threat, explosive, explosion, or incendiary device are assigned a code two priority and a district unit and supervisor shall be dispatched to the location. Communications Services shall notify the Special Operations Division, or consult the call out roster when circumstances exist that warrant extensive building search and/or evacuation.

416.3 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The New Orleans Police Department bomb squad should be summoned for assistance along with a district unit and supervisor even when in doubt.

(c) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.

(d) As much initial information as possible should be promptly relayed to the Platoon Commander, including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction).

(e) The device should not be touched or moved except by qualified bomb squad personnel.

(f) Responding personnel should not transmit on any equipment that is capable of producing radio frequency energy within 300 feet of the suspected device. This includes two-way radios, cell phones and other personal communication devices.

(g) Consideration should be given to evacuating any buildings near the device.

(h) An incident report shall be generated by the responding officer and a copy sent to the bomb squad for tracking.

416.4 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront an officer. As in other catastrophic incidents, a rapid response will help to minimize such things

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as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

416.4.1 FIRST RESPONDER RESPONSIBILITIES

Whether the explosion was the result of an accident or a criminal act, the officer should consider the following:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first-aid.
- Assist with evacuation of victims.
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.
- Search for additional or secondary devices
- Suitable location for the Public Information Officer (PIO) and Command Post.
- Officers shall keep in mind the area is a crime scene and should be treated as such.

416.4.2 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department and/or state fire marshal

(b) Alcohol, Tobacco and Firearms and Explosives (ATF)

(c) Emergency Medical Services (EMS)

(d) Bomb Squad

(e) Additional officers

(f) PIO

(g) Field supervisor

(h) Platoon commander

(i) Investigators

(j) Forensic science services

(k) American Red Cross

416.4.3 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel. Crowd and media shall be placed in a safe location in an outside perimeter which ensures no contamination of the scene, and no chance of interference in the investigation.

416.4.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Platoon Commander should assign officers to protect the crime scene area, which

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could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes nearby and possibly inside victims.

Human lives shall not be placed in jeopardy for the purpose of securing or preserving evidence or property.

416.5 BOMB THREATS RECEIVED AT A POLICE FACILITY

Employees receiving a bomb threat at a police facility should gather as much information from the notifying individual, including the type, placement and alleged detonation time of the device.

If the bomb threat is received at a police facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Department evidence procedures.

If the call is made to Communication Services, the Bomb Threat Call Checklist should be followed.

An incident report shall be generated and forwarded to the bomb squad for tracking.

416.5.1 RESPONSIBILITIES

The employee receiving the bomb threat shall ensure that the Platoon Commander is immediately advised and fully informed of the details. The Platoon Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

416.6 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Department is informed of the threat.

The decision to allow personnel back into the public or private facility will be the responsibility of the person or persons in charge of the building when such facility is deemed safe to enter.

416.6.1 PROCEDURE

Employees informed of a bomb threat at a private facility or another public facility should obtain as much information as reasonably possible from the notifying individual, including:

(a) Whether the individual is requesting law enforcement assistance at the facility.

(b) The location of the facility

(c) The type of facility

(d) Has the facility received threats in the past (HazMat)

(e) The nature of the threat received.

(f) The alleged type and detonation time of the device.

(g) Whether the facility is occupied, and if so, the number of occupants currently on scene.

The employee receiving the bomb threat information should also ensure that the Platoon Commander is immediately notified so that he/she can communicate with the person in charge of the facility.

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Officers shall complete an incident report and forward a copy of the report to the Bomb Squad.

416.6.2 EVACUATION OR SEARCH ASSISTANCE

If the person in charge of the facility makes a request for law enforcement assistance, the Platoon Commander will determine the level of assistance the Department will provide as well as make a determination of the following:

(a) The plan for assistance.

(b) Whether to evacuate and/or search.

(c) The appropriate support personnel necessary (e.g. fire and EMS).

(d) An Incident Report shall be generated and a copy forwarded to the Bomb Squad upon its completion.

Considerations regarding the involvement of facility staff in searching and evacuating is important as a search or evacuation can be difficult without a working familiarity of the facility. The risks associated with a search and evacuation should be explained to the person in charge of the facility by the Platoon Commander. The warning provided by the Platoon Commander should include the possibility of injury to facility staff and/or damage to the facility as a result of a search.

416.6.3 BOMB THREATS AT A FEDERAL BUILDING OR PROPERTY

A bomb threat incident at a federal building or property shall be reported to the Federal Protective Service (FPS) (877-437-7411). The FPS will provide a uniformed police response, which may include use of its Explosive Detector Dog Teams.

Any devices or suspected devices will be rendered safe by the bomb squad. Established Bomb Squad Standard Operating Procedures/logic tree shall be followed unless special circumstances deem otherwise.

416.7 BOMB SQUAD/TECHNICIAN

The Bomb Squad shall contact the military ordnance disposal team when their assistance is needed.

Once the area is evaluated as safe to enter to begin an investigation, the department's Bomb Technician will enter the area to canvass for any other possible explosive devices. The Bomb Technician should utilize all safety measures to ensure no other devices are present in the area. Explosive detecting dogs should be utilized in the canvassing of the area. Prior to this measure, a secure perimeter of 300 ft. will be established.

The bomb technician will be the sole decision maker on the scene relative to the removal or safe rendering of a discovered device.

The bomb technician shall summon other support technicians and equipment needed for the safe removal of a device. Once the device is rendered safe by the bomb technician, the device will be submitted for evidence per current department policies/procedures pertaining to hazardous materials.

If no other devices are discovered, the Bomb Technician will assist the Crime Scene Technicians in collecting additional evidence (post-blast).

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The Bomb Squad will make the necessary notifications to the Federal Bureau of Investigation (FBI) based on the incident.

The bomb technician will complete a supplemental report concluding the rendering safe procedures.

The Bomb Squad will follow guidelines provided by the FBI Hazardous Devices School (HDS).

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Mental Illness Civil Commitments

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the officers of this department with guidance to effectively respond to situations involving individuals who may require detention for purposes of mental health evaluation.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Dangerous to others - The condition of a person whose behavior or significant threats support a reasonable expectation that there is a substantial risk that he will inflict physical harm upon another person in the near future (La. R.S. 28:2(3), Ch. C. Art 1404(3)).

Dangerous to self - The condition of a person whose behavior, significant threats or inaction supports a reasonable expectation that there is a substantial risk that he will inflict physical or severe emotional harm upon his own person (La. R.S. 28:2(4), Ch. C. Art 1404(4)).

Gravely disabled - The condition of a person who is unable to provide for his own basic physical needs, such as essential food, clothing, medical care, and shelter, as a result of serious mental illness or substance abuse and is unable to survive safely in freedom or protect himself from serious harm; the term also includes incapacitation by alcohol, which means the condition of a person who, as a result of the use of alcohol, is unconscious or whose judgment is otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment (La. R.S. 28:2(10), Ch. C. Art 1404(10)).

Mentally ill person - Any person with a psychiatric disorder which has substantial adverse effects on his ability to function and who requires care and treatment. It does not refer to a person suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse (La. R.S. 28:2(14), Ch. C. Art 1404(15)).

418.2 POLICY

Law enforcement encounters with individuals suffering from mental illnesses require special consideration and sensitivity. Officers should use reasonable and necessary precautions when appropriate to avoid a violent encounter with the person being taken into temporary protective custody (La. R.S. 28:53.2(C)(5)).

It is therefore the policy of the New Orleans Police Department to treat such individuals in a respectable and fair manner as well as to appropriately train members of the Department to manage situations involving individuals who may require detention for purposes of mental health evaluation.

418.3 GENERAL INFORMATION

The Crisis Transportation Service (CTS) is an emergency van staffed by auxiliary civilian volunteer personnel (CTS Technicians). Two civilian employees (Program Administrator and Program Coordinator) shall be responsible for the day to day administrative duties associated with the Crisis Transportation Service. The Crisis Transportation Service shall

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be commanded by a commissioned officer with the rank of sergeant or above whose title shall be Program Director. The Program Administrator and Program Coordinator will not normally staff the emergency van unless specifically authorized by the Program Director.

The Crisis Transportation Service is authorized by the Superintendent to assist patrol units in processing and transporting mentally disturbed persons who do not have criminal charges pending as a result of the incident. The Crisis Transportation Service will generally be available seven days a week from 12:00 (noon) until 12:00 (midnight).

It should be noted that CTS Technicians are not police officers and are not armed. Officer responding to calls with CTS Technicians shall remember that the CTS Technicians are responding in an assistance capacity and are not equipped to effectively deal with situations requiring specialized training in police techniques.

418.4 AUTHORITY OF AN OFFICER

An officer may take a person into temporary civil protective custody and transport him/her to an appropriate treatment facility for a medical evaluation when, as a result of his personal observation, the officer has reasonable grounds to believe the person is a proper subject for involuntary admission because the person is acting in a manner dangerous to himself or dangerous to others, is gravely disabled, and is in need of immediate hospitalization to protect such a person or others from physical harm (La. R.S. 28:53(L), Ch. C. Art. 1433).

Officers shall not state to any person that involuntary admission may result if such person does not voluntarily admit himself/herself unless the officer is prepared to execute a certificate of committal (La. R.S. 28:52(D)).

Officers may take mentally disturbed persons or persons suffering from substance abuse into custody under any of the following circumstances:

(a) There is a Physician's Emergency Certificate (PEC) signed by a licensed physician. A PEC shall be effective for 72 hours from its issuance.

(b) There is an Order for Protective Custody (OPC) signed by the Coroner or judge from a court of competent jurisdiction. An OPC shall be valid for 72 hours from its issuance.

(c) Abnormal behavior is observed by the officer or CTS Technician and it is reasonable to believe that the person is a danger to self or others.

(d) The disturbed person voluntarily requests to be taken.

(e) The disturbed person is involved in a violation of law.

418.4.1 DETENTION

The detention of a person under this policy does not constitute an arrest but rather a civil commitment and in protective custody. When a person is detained for mental health evaluation, that person shall not be held in the jail, except that the jail may be used if no other suitable place of confinement for treatment and evaluation is readily available. In such a situation, the person shall be detained separately from all other inmates and should generally be monitored per the Temporary Holding Facility Policy or the Temporary Custody of Juveniles Policy, as applicable.

If the person is suffering from substance abuse and when an appropriate facility is unavailable the officer may use whatever means or facilities is available to protect the health and safety of the person until an appropriate facility become available. In taking a person into protective civil custody the officer may take reasonable steps to protect themselves (La. R.S. 28:53(L)(3)).

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Any apprehension, taking into protective custody, or confinement, made by an officer pursuant to state law is an administrative act relative to the functions of their office, as required by law, and for which act they are specifically granted personal immunity (La. R.S. 28:63(D), Ch. C. Art. 1419(C)).

418.5 COMMUNICATION SERVICES RESPONSIBLITIES

Dispatchers shall relay as much information as possible to any units responding to a call for service involving a mentally disturbed person. These calls for service shall be assigned to a two man car. Additionally, a ranking officer and a two man backup unit shall be assigned. Backup units shall continue enroute to the location until the primary unit has determined and announced that no additional units are necessary.

418.6 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a person who may warrant involuntary commitment should consider utilizing:

(a) Any available information that might assist in determining the possible cause and nature of the mental illness, such as developmental disabilities, intoxication or chemical dependency.

(b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving a mentally ill person.

(c) Language that is appropriate for interacting with a mentally ill person.

(d) If circumstances reasonably permit, alternatives to deadly force when interacting with a potentially dangerous mentally ill person.

(e) Community resources that may be readily available to assist with a mentally ill person.

(f) Inquiring about any advance directive document in which a person has specified his/her choice about care and treatment should the person later become incapable of exercising choice.

(g) Medical treatment and clearance should be obtained when warranted prior to transportation to the receiving mental health facility.

418.6.1 INSTRUCTIONS

Officers responding to calls involving mentally disturbed persons shall make an initial assessment to determine if the subject fits one of the above categories (see 418.4) and will require transportation to a treatment facility.

If the investigating officers determine that the mentally disturbed person meets the above criteria, requires transportation, the incident does not involve a violation of law, and the CTS unit has not already been dispatched, the officers shall inquire as to the availability of the CTS unit for transportation assistance with the dispatcher.

The responding officers shall attempt to contain the situation as necessary to provide for the safety of officers, CTS Technicians, family members, and any bystanders who may be present.

If the mentally disturbed person is suffering from an emergency medical condition or requires special medical attention or care (i.e., attempt suicide calls), officers shall summon EMS to the scene. The CTS unit shall not transport any subject meeting the above mentioned description.

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If the CTS unit is not available, district units shall be responsible for transporting the subject as needed. The transporting of mentally disturbed persons shall be made in compliance with the regulation governing prisoner transportation found in chapter 72 of this manual.

Any OPC, PEC, or judicial order of commitment shall be brought to the treatment facility with the transporting unit.

Officers and CTS technicians shall remain with the subject at the treatment facility until the subject has been properly admitted and the facility assumes responsibility for the subject.

If the CTS unit is available to respond, the officers shall remain on the scene until the subject is secured in the CTS van and the van is underway to its destination.

If it is necessary for an officer to accompany CTS personnel during the transportation in the rear of the van, that officer shall remove and secure his/her firearm in his/her patrol car.

If it is necessary for an incident report to be written, the investigating officers shall be responsible for completing same.

418.7 CTS UNIT INSTRUCTIONS

The CTS unit shall advise the Communications Division, via police radio, that they are

in-service at the beginning of their tour of duty. Furthermore, the CTS unit shall advise the dispatcher of any special area assignments which may exist.

The CTS unit shall monitor and be based on the working dispatch group for the First District.

Upon being notified of a call for service, the CTS unit shall proceed to the location to assist district units. The CTS unit shall keep the dispatcher for the location of occurrence advised of their status upon arrival, transport, and completion of assignment, as per current procedure.

All subjects transported by members of the Crisis Transportation Service must be restrained and properly secured with the vehicle's seatbelt prior to transportation. CTS personnel shall only use restraining devices which have been specifically authorized by the CTS Program Director. Additionally, CTS personnel shall be trained in the use of any authorized restraining devices. Restrained subjects shall not be left unattended under any circumstances.

CTS Technicians shall not transport subjects who are under arrest or who have a medical condition requiring care beyond their expertise also considering available medical equipment.

CTS Technicians shall complete a run report for each call received, including incomplete or canceled calls. All reports completed by CTS personnel shall be maintained by CTS staff.

CTS Technicians shall not attempt to intervene in a call for service until sufficient officers are present.

The Communications Division shall notify the CTS unit of any calls for service involving mentally disturbed persons, when the unit is available and in service, or when requested by an officer on the scene of an incident involving a mentally disturbed person.

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The Communications Division shall notify the CTS unit on their base channel and advise them to change channels to the working dispatch group for the location of occurrence.

418.7.1 CRISIS TRANPORTATION SERVICES - STAFFING

Routinely the CTS Van(s) are staffed by 2 Crisis Transportation Technicians (6512). However, circumstances due to a personnel shortage may allow for the CTS van to be staffed by 1 Crisis Technician (6513).

Under this condition 6513 may respond to the CTS location if requested by the on scene officers for the following reason(s):

(a) To do a rapid assessment for determining if the subject meets criteria for transport to a psychiatric facility for further evaluation and / or treatment.

(b) Is a result of:

1. Danger to self (Suicidal)
2. Danger to others (Homicidal)
3. Gravely Disabled (Due to M.J.)

(c) If transport is determined by the on scene supervisor the options are:

1. Transport by police unit and met at psych facility by Crisis Unit Technicians and once there Crisis Unit Technician shall relieve officers and assume responsibility w/hospital security of subject to be admitted.
2. Transported by Crisis Unit w/assistance. One police officer will ride in Crisis Unit Van, either drive van or attend to patient, in rear of van. The officer's weapon must be secured in patrol cars trunk before prior to entering the Crisis Unit Van.

Under no circumstances will a single person Crisis Unit (6513) transport a subject without assistance from a police officer.

418.8 BARRICADED SUBJECTS

Any incidents involving barricaded subjects who are mentally disturbed shall be handled as per the regulation entitled Barricaded Subjects/Sniper Situations found in policy that addresses barricaded subjects.

418.9 TRANSPORTATION

When transporting any individual in custody for a mental illness evaluation, and if reasonably practicable, the handling officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and any special medical care needs of the individual that are reasonably known to the officer.

Officers may transport the detained individual in the patrol unit and shall secure them in accordance with the Handcuff Policy. Violent individuals or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent individual when transported by ambulance. Transporting violent individuals in a patrol unit equipped with a barrier or cage is generally safer with two officers in the vehicle.

The officer will escort the detained individual into the facility and place that person in a designated treatment room or location, as directed by a facility staff member. As soon as a

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security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the individual (La. R.S. 28:53(L)(2)).

418.9.1 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer may wait while they are being applied to help provide physical control of the patient, if needed.

418.10 WRITTEN DOCUMENTATION

The officer shall complete and provide the appropriate mental illness commitment application and any associated affidavits and witness lists to the facility staff. The application shall be based upon the officer's personal observations (La. R.S. 28:53).

The officer will retain a copy of the admission documents for inclusion in the case report.

The officer should also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

418.11 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.12 MENTALLY ILL PERSON CHARGED WITH A CRIME

Any person charged with a crime who also appears to be mentally ill shall be transported to Central Lock-up.

If the person has injuries or some other medical condition, he/she may be taken directly to the hospital for initial medical treatment with the approval of a supervisor. After medical clearance is received, the person shall be transported to Central Lock-Up.

418.13 SAFEKEEPING OF FIREARMS AND WEAPONS

Whenever a person has been detained or taken into custody for mental illness evaluation and is found to have in his/her possession or under his/her immediate control, any firearm or other deadly weapon, the handling officer should consider confiscating the firearm or weapon for safekeeping. A property receipt shall be given to the owner and the firearm or other deadly weapon shall be booked into evidence until further processing and release.

If consent is not given to take any deadly weapons which are not in the subject's immediate control, officers are cautioned that a search warrant may be needed before entering a residence to search for any deadly weapons, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer shall further advise the person of the procedure for the return of any firearm or other lethal weapon that has been taken into custody.

418.14 TRAINING

As part of advanced officer training programs, this agency will endeavor to include Department approved training on interacting with mentally disabled persons.

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Arrests

419.1 PURPOSE AND SCOPE

This policy is to establish guidelines for making an arrest.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Arrest - is the taking of one person into custody by another. To constitute arrest there must be an actual restraint of the person. The restraint may be imposed by force or may result from the submission of the person arrested to the custody of the one arresting him. An arrest is a restraint of greater scope or duration than an investigatory stop or detention. An arrest is lawful when supported by probable cause.

419.2 POLICY

Officers shall only arrest an individual where the officer has probable cause.

In effectuating an arrest, officers shall not rely on information known to be materially false or incorrect. Officers may not consider race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity in effecting an arrest, except as part of an actual and apparently credible description(s) of a specific suspect or suspects in any criminal investigation.

Officers shall immediately notify a supervisor when:

- Effectuating a felony arrest;
- An arrest where the officer used force;
- An arrest for obstructing or resisting an officer;
- A custodial arrest where the most serious violation was a vehicle infraction, simple drug possession, or, outside the French Quarter and Central Business District, any of the following city or state laws:
  - Disturbing the Peace (City Code 54-103; LSA-La. R.S. 14:103);
  - Criminal Trespass (City Code 54 153; LSA-La. R.S. 14:63);
  - Obstructing Public Passages (City Code 54-40; LSA-La. R.S. 14:100.1); or
  - Begging/Vagrancy (City Code 54-411; 14:107). Upon notification, the supervisor shall respond to the scene.

A commissioned officer making a criminal arrest without a warrant must comply with C.Cr.P. art 213 (Arrest by Officer without Warrant, when lawful).

An arrest warrant is not required to arrest a person(s) in a public venue.

An officer may search the area within the arrested person's immediate control, meaning the area from which he/she may grab a weapon or destroy evidence (Chimel v. California, 395 U.S. 752 [1969].

Anyone arrested shall be searched prior to transportation. (United States v. Robinson, 414 U.S. 218 [1973]).

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419.3 SUPERVISOR'S RESPONSIBILITIES

The responding supervisor shall approve or disapprove the officer's arrest recommendation based on the existence of probable cause and NOPD policy. The supervisor shall take appropriate action to address violations or deficiencies in the officer's arrest recommendation, including releasing the subject, recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation.

Officers shall complete all arrest reports before the end of shift. Field supervisors shall review each arrest report of officers under their command and shall memorialize their review in writing within 12 hours of receiving the report, absent exceptional circumstances. Supervisors shall review reports and forms for boilerplate or pat language, inconsistent information, lack of probable cause, or other indications that the information in the reports or forms is not authentic or correct.

As part of the supervisory review, the supervisor shall document all arrests that are unsupported by probable cause, are in violation of NOPD policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The supervisor shall take appropriate action to address violations or deficiencies in making arrests, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken, to identify officers needing repeated corrective action. The supervisor shall ensure that each violation or deficiency is noted in the officer's performance evaluations. The quality of these supervisory reviews shall be taken into account in the supervisor's own performance evaluations. Appropriate corrective or disciplinary action shall be taken against supervisors who fail to conduct reviews of adequate and consistent quality.

419.4 DISTIRCT/DIVISION COMMANDER'S RESPONSIBILTIES

A district/division commander shall review, in writing, all supervisory reviews related to arrests that are unsupported by probable cause, are in violation of NOPD policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The commander's review shall be completed within seven days of receiving the document reporting the event. The district/division commander shall evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken, including referring the incident to PIB for investigation, if appropriate.

NOPD shall track at the district/division level the DA's acceptance and refusal rates of arrests made by NOPD and reasons for refusals, when made available by the DA, including those factors and information indicating that a failure to prosecute was due to the quality of officer arrests or concerns regarding officer conduct. These statistics shall be maintained by the district/division comstat officer and included weekly in the district/division comstat report. Each District Commander shall be held accountable for referring to PIB for investigation any information regarding specific incidents of possible officer misconduct related to officer arrests noted in the DA's refusal reasons.

419.5 FIRST AMENDMENT RIGHT TO OBSERVE AND RECORD OFFICER CONDUCT

Officers shall ensure that, in accordance with their rights secured or protected by the Constitution and laws of the United States, onlookers or bystanders may witness, observe, record, and/or comment on officer conduct, including stops, detentions, searches, arrests,

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or uses of force. Officers shall respect the right of civilians to observe, record, and/or verbally comment on or complain about the performance of police duties occurring in public, and NOPD shall ensure that officers understand that exercising this right serves important public purposes.

Individuals observing stops, detentions, arrests, and other incidents shall be permitted to remain in the proximity of the incident unless one of the below listed conditions are met.

Individuals shall be permitted to record police officer enforcement activities by camera, video recorder, cell phone recorder, or other means, unless one of the below listed conditions are met.

Officers shall not threaten, intimidate, or otherwise discourage an individual from remaining in the proximity of or recording police officer enforcement activities.

Officers shall not detain, prolong the detention of, or arrest an individual for remaining in the proximity of, recording, or verbally commenting on officer conduct directed at the individual or a third party, unless one of the below listed conditions are met.

Officers shall take appropriate law enforcement action against a bystander only if a bystander's presence would:

- Jeopardize the safety of the officer,
- Jeopardize the safety of the suspect,
- Jeopardize the safety of others in the vicinity,
- Jeopardize the crime scene integrity,
- Violates the law, or
- Incites others to violate the law.

Officers shall not seize or otherwise coerce production of recorded sounds or images without obtaining a warrant, or order an individual to destroy such recordings. Where an officer has a reasonable belief that a bystander or witness has captured a recording of critical evidence related to a felony, the officer may secure such evidence for no longer than required to obtain a legal subpoena, search warrant, or other valid order.

419.6 ARRESTS WITHIN RESIDENCE/DOMICILE

Arresting a person from inside his/her residence/domicile without an arrest warrant is permissible if one or more of the following exceptions are met:

- Consent to enter the residence is given by a person who shares access and control of the premises.
- Exigent circumstances (i.e. hot pursuit, spontaneous violence, prevention of a crime, or imminent escape to avoid apprehension).

Normally, an arrest warrant is required prior to arresting someone within a residence when there is an absence of consent or exigent circumstances, and the officer has a reason to believe the person is within the residence.

The arrest warrant(s) must name the person(s) wanted.

Officer(s) must reasonably believe the person(s) is within the residence at the time of entrance.

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An officer may perform a limited protective sweep subsequent to an in house arrest, if the searching officer possesses a reasonable belief, based on specific and articulable facts; i.e.: the area to be swept harbors an individual or weapons posing a danger to those on the arrest scene. The sweep must extend only to a cursory inspection of those spaces where a person may be found and the sweep must last no longer than it takes to complete the arrest and depart the premises (Maryland v. Buie, 494 U.S. 325 [1990]).

419.7 ARRESTS WITHIN VEHICLES

The United States Supreme Court limited the scope of searches incident to an arrest involving a person(s) arrested within a vehicle (Arizona v. Gant 129 S. Ct. 1710 [2009]); the court held that a search of the passenger compartment of a vehicle following an arrest is allowed only if:

- An officer makes an arrest and an unsecured arrestee is within arm's reach of the passenger compartment, the passenger compartment could be searched incident to arrest (it is recommended an officer not compromise his/her or other officers safety in order to justify searches).
- It is reasonable to believe evidence related to the crime of arrest could be found in the passenger compartment, and the search is incident to that lawful arrest.
- An officer reasonably believes a vehicle occupant is dangerous and may gain immediate control of a weapon from a vehicle the officer may conduct a limited search of the passenger compartment, only looking in places that a weapon could be hidden (vehicle frisk).
- Officer obtains a warrant.
- Officer can show that another exception to the warrant requirement applies.

419.8 RELEASE OR SUMMONS OF WANTED PERSONS

A summons may be issued in lieu of an arrest pursuant to C.Cr.P. Art. 211 (Summons by officer instead of arrest and booking) (see Cite and Release Policy and PR 420).

An officer may release, issue a summons, or arrest a person wanted for certain offenses based on the type of offense and the jurisdiction of the issuing warrant(s)/attachment(s) agency. Officers shall not issue a summons for any of the following circumstances:

- An offense involving the operation of a vehicle while intoxicated,
- An offense involving the use or possession of a weapon,
- An offense involving force or violence, except simple battery, other than domestic abuse battery,
- An offense involving the failure to pay legal child support, or
- An offense involving any felony.

An Individual detained and found to have a verified warrant/attachment from a jurisdiction within the State of Louisiana other than Orleans parish, and the detaining officer, using his/her discretion, decides to release the individual pursuant to C.Cr.P. Article 211.1 in lieu of physical arrest, is processed in accordance with this Policy and the Cite and Release Policy.

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Summons

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the New Orleans Police Department with guidance for releasing an individual upon the issuance of a non-traffic affidavit and/or summons.

420.2 POLICY

The New Orleans Police Department will release an offender on a non-traffic affidavit and/or summons as provided in C. Cr. P. 211; C. Cr. P. 211.1; C. Cr. P. 211.2.

420.3 SUMMONS RELEASE

A summons release is permitted instead of making an arrest as follows (C. Cr. P. 211):

(a) Whenever it is lawful for an officer to make an arrest without a warrant for a misdemeanor, or a felony charge of theft or illegal possession when the property stolen has a value of $500 or more but less than $1,000, and all of the following exist:

1. The officer has reasonable grounds to believe that the person will appear upon the summons;
2. The officer has no reasonable grounds to believe the person will cause injury to him/herself or another, cause damage to property or will continue in the offense unless immediately arrested and booked;
3. There is no necessity to book the person to comply with routine identification procedures; and
4. If the summons is for a felony, the officer has ascertained that the person has no prior criminal convictions.

(b) When an officer has reasonable grounds to believe a person has committed the offense of issuing worthless checks and has reasonable grounds to believe the following exist:

1. The person will appear upon summons.
2. The person will not injure him/herself or others or cause damage to property unless immediately arrested.

(c) When a peace officer has reasonable grounds to believe a person has committed an offense of driving without a valid driver's license in his possession, the officer shall make every practical attempt based on identifying information provided by the person to confirm that the person has been issued a valid driver's license. If the officer determines that the person has been issued a valid driver's license which is not under revocation, suspension, or cancellation, but that the license is not in his possession, the officer shall issue a written summons to the offender in accordance with law, commanding him to appear in court (C.C.P. art. 211 (C)).

(d) When an officer stops a person who has an outstanding warrant or an attachment for failing to comply with a summons to appear in court on a misdemeanor offense in this jurisdiction, including a traffic offense the officer may issue a summons release, unless the offense involved one of the following, in which case no summons may be issued:(C. Cr. P. 211.1):

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1. The operation of a vehicle while intoxicated.
2. The use or possession of a weapon.
3. The use of force or violence, except the crime of simple battery unless the warrant or attachment indicates that the battery was prosecuted as a domestic abuse battery as defined in La. R.S. 14:35.3.
4. Failure to pay a legal child support obligation.
5. The offender has an outstanding felony warrant.
6. All domestic violence incidents.

(e) When an officer serving a subpoena, summons or notice to appear for a misdemeanor traffic offense or a nonviolent offense, not involving possession of illegal weapons and driving under the influence, has reasonable grounds to believe that the offender has failed to comply with the subpoena, summons or notice and proof of service has been recorded (C. Cr. P. 211.2).

420.3.1 SUMMONS REQUIREMENTS

Any summons issued shall (C. Cr. P. 208; C. Cr. P. 211.1)):

(a) Be in writing.

(b) Be issued and signed by the officer.

(c) State the offense charged.

(d) Include the name of the alleged offender.

(e) Command the alleged offender to appear before the designated court at the time and place stated.

(f) Be signed by the alleged offender.

420.3.2 PROHIBITIONS

An officer shall not issue a summons if any of the following factors are present:

(a) The person does not possess identification issued by any municipal, state, territorial, federal or other governmental authority within the United States;

(b) The person makes a statement indicating intent to disregard the summons or refuses to sign the summons;

(c) The person acts in a violent or destructive manner or makes a statement indicating that he/she intends to inflict injury to him/herself or another or damage to property;

(d) The person is a habitual offender having two or more felony convictions or five or more felony or municipal arrests for any offense; or

(e) Based on the circumstances, an officer determines that it is absolutely necessary to make an arrest.

420.4 DOCUMENTATION

After determining that a summons may be issued in lieu of arrest, officers should ensure that the individual acknowledges and understands that the individual's signature is his/her written promise to appear on the date, time and place specified for appearance.

All summonses shall be documented with a Field Interview Card (FIC) to include the following:

(a) Officer's name and badge number.

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(b) Date and time of the stop.

(c) Location of the stop.

(d) Duration of the stop.

(e) Subject's apparent race, ethnicity, gender, and apparent age.

(f) If a vehicle stop, presence and number of any passengers and the apparent race, ethnicity, gender, and age of each passenger; if a non-vehicle stop (e.g., pedestrian or bicycle), number of individuals stopped and race, ethnicity, gender, and age of each person.

(g) Reason for the stop, including a brief description of the facts creating reasonable suspicion.

(h) If a vehicle stop, whether the driver or any passenger was required to exit the vehicle, and reason.

(i) Whether any individual was asked to consent to a search and whether such consent was given.

(j) Whether a probable cause search was performed on any individual, including a brief description of the facts creating probable cause.

(k) Whether a pat-and-frisk or other search was performed on any individual, including a description of the facts justifying the pat-and-frisk or other search.

(l) Whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence.

(m) Disposition of the stop, including whether a citation or summons was issued to, or an arrest was made of, any individual.

420.5 CARE FOR DEPENDENTS OR ANIMALS

In the event an arrested person is determined to be a caretaker for any child or dependent adult and the arrestee will be detained longer than would reasonably allow him/her to properly provide care, the arresting officer should make reasonable arrangements to ensure that a suitable caretaker will be available to provide care for the dependents. Suitable caretakers include other legal guardians, or friends or family members with the arrestees consent. If a suitable caretaker is not available the arresting officer should contact the appropriate protective services for assistance.

If the arrestee is a caretaker for any animal or pet the arresting officer should take reasonable steps to ensure the animal or pet will have adequate care in the event the arrestee will be detained longer than would reasonably allow him/her to properly provide care. Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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Failure to Appear

421.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the New Orleans Police Department with guidance for issuing traffic and municipal Failure to Appear summons.

421.2 DEFINITIONS

Definitions related to this policy include:

Instanta - Order issued by the court for immediate appearance (usually within 24 hours).

Failure to appear - the intentional failure to comply with a previously issued summons, citation, or court order directing a person to appear in the municipal court.

421.3 POLICY

Persons wanted by Traffic and Municipal Courts where an INSTANTA has not been issued shall be issued a Failure to Appear summons (MCS 154-147, Failure to Appear; and 54-28, Failure to Appear).

Officers shall verify an Orleans Parish Traffic or Municipal Court Attachment with National Crime Information Center (NCIC) before taking enforcement action.

Attachments from both Orleans Parish Municipal and Traffic Courts with a designation of INSTANTA shall be processed as normal municipal (17M) or traffic court (17T) attachments.

All attachments originating from parishes other than Orleans Parish and other States shall be processed as a normal Fugitive Attachment (17F).

A prisoner held in custody by another parish law enforcement agency for an Orleans Parish Municipal or Traffic attachment will be processed as a 17T or 17M arrest.

A person wanted by Orleans Parish Traffic or Municipal Court, regardless of where he/she resides, shall be issued a Failure to Appear summons except where:

- The attachment is an INSTANTA .
- The person is under arrest for another unrelated violation.
- The person is wanted for multiple traffic or municipal attachments.
- The person does not possess identification issued by any municipal, state, territorial, federal or other government authority within the United States.
- The person makes a statement indicating intent to disregard the summons or refuses to sign the summons.
- The person acts in a violent or destructive manner or makes a statement indicating that he/she intends to inflict injury to him/herself or another, or damage property.
- The person is a habitual offender and has two or more felony convictions or five or more felony or municipal arrests for any offense.
- Based on the circumstances, an officer determines that it is absolutely necessary to make an arrest.

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If the person is physically arrested for a new violation and it is verified that he/she has a traffic or municipal attachment, he/she shall not be issued a Failure to Appear summons.

421.4 TRAFFIC COURT POLICY

When an officer verified through NCIC that a person is wanted by Orleans Parish Traffic Court, the officer shall:

- Issue a Traffic citation, in lieu of a physical arrest, requesting a new item number for a Traffic Attachment (17T).
- Write the charge 154-147 Failure to Appear in the statute/ordinance and violation section followed by the attachment number enclosed in parenthesis.
- Set the appearance date seven days from the date of issuance.
- Give the dispatcher a disposition of Necessary Action Taken, one summons issued .

All new traffic violations shall be issued a new citation under a separate item number.

Upon verification by NCIC an open attachment is not an INSTANTA , the NCIC officer/technician shall advise the officer the section

421.5 MUNICIPAL COURT POLICY

When an officer verifies through NCIC a person is wanted by Orleans Parish Municipal Court, the officer shall:

- Issue a municipal summons, in lieu of physical arrest, and request a new item number for a Municipal Attachment (17M).
- Write the charge 54-28 Failure to Appear in the statute/ordinance and violation section followed by the attachment number enclosed in parenthesis.
- Set the appearance date seven days from the date of issuance.
- Give the dispatcher the disposition of Necessary Action Taken, one summons issued .

All new municipal violations shall be issued a new summons under a separate item number.

Upon verification by NCIC that an open attachment is not an INSTANTA , the NCIC officer/technician shall advise the officer the section

421.6 RECORDS AND IDENTIFICATION SECTION

The Commander of the Records and Identification Section shall develop an internal training manual with comprehensive instructions for the verification and processing of Failure to Appear attachments. A copy of the training manual shall be forwarded to the Education and Training Division for review and placement in the lesson plans for recruit and in-service training classes.

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Diplomatic and Consular Contacts / Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligates authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, http ://www.travel.state.gov.

422.1.1 DEFINITIONS

Definitions and information related to this policy include:

Diplomatic immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

Waiver of immunity - The voluntary relinquishment or surrender of diplomatic immunity. Diplomatic immunity is extended to a country, not an individual. An individual does not own the immunity and immunity may be waived, in whole or in part, by a representative of the country who employs the individual. While a waiver of immunity in the face of criminal charges is not common, it is routinely sought and occasionally granted. The police department's ability to secure a waiver of immunity may depend to a large degree on the strength and documentation of the case at issue. Similarly, it is of little use for the police department to secure a waiver of immunity in a particular case, if the case has not been developed with sufficient care and completeness to permit a successful subsequent prosecution.

Official acts immunity - An affirmative defense to be raised before the U.S. court having subject matter jurisdiction over the alleged crime. Official acts immunity is not a prima facie bar to the exercise of jurisdiction by U.S. courts. If such court, in the full light of all the relevant facts, determines the action complained of was an official act, only at that point does international law preclude the further exercise of jurisdiction by the U.S. court. Because

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judicial determination in a case of this type is highly dependent on the facts surrounding the incident, a full and complete police report may be critical in permitting the court to make a just decision.

Termination of immunity - This occurs upon the termination of a diplomatic or consuls tour, including a reasonable period of time for such person to depart the United States, diplomatic immunity expires. Criminal immunity is not a perpetual benefit for individuals granted such status, except for immunity for official acts, which subsists indefinitely. Upon termination of immunity law enforcement authorities of the United States can obtain personal jurisdiction over a person alleged to have committed criminal acts in the United States, normal prosecution may go forward. This assumes, of course, that the case against such an individual has been adequately developed at the time of the alleged action and any applicable statute of limitations has not run. Obtaining an indictment, information or arrest warrant, even though they would be without immediate legal effect, would lay the basis for a prosecution at a later date. Moreover, the existence of an outstanding arrest warrant may be entered into the records of the U.S. immigration authorities and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to enter the United States.

Persons who once resided in the United States in a status affording criminal immunity may later return for pleasure or otherwise under conditions affording them no criminal immunity. In the case of serious crimes and with respect to foreign countries with which the United States enjoys an extradition relationship, it is not precluded under international law that international extradition may be effected.

Consul officers - Are members of consulate posts who are recognized by both the sending and host countries as fully authorized to perform a broad array of formal consulate functions. They have only official acts or functional immunity. Their personal inviolability is quite limited. They may be arrested pending trial provided the underlying offense is a felony and the arrest is made pursuant to a decision by a competent judicial authority (e.g. warrant). Without a bilateral agreement to the contrary, the family members of consul officers enjoy no personal inviolability and no jurisdictional immunity.

Consulate employees - Are members of the Consulate who perform administrative and technical services for the consulate post. They have no personal inviolability, and only official acts immunity. Their family members enjoy no personal inviolability or jurisdictional immunities of any kind.

Honorary consuls - Are part time employees of the sending country who provide a degree of consul representation in places not covered by career consul officers. The privileges and immunities of honorary consul officers are similar to those of career consuls officers, with some limitations. It is U. S. policy to recognize as honorary consul officers only those who are U. S. nationals or permanent residents. Accordingly, honorary consul officers in the United States have personal inviolability only in connection with official acts. Arrests of honorary consuls is not limited to felonies and does not require a warrant, as is the case with career consul officers.

Diplomatic agents - Include ambassadors and other diplomatic officers who generally have the function of dealing directly with the host country officials. They enjoy the highest degree of privileges and immunity. They enjoy complete personal inviolability, which means that they may not be arrested, detained or prosecuted. Residences may not be entered or searched. Family members forming part of the household of diplomatic agents (recognized by the Department of State as such) enjoy precisely the same privileges and immunities as do the sponsored diplomatic agents.

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Administrative and technical staff - Include members of a diplomatic mission who perform tasks critical to the inner operation of the embassy. They enjoy the same privileges as diplomatic agents. As with diplomatic agents, the spouses of the administrative and technical staff enjoy immunity from criminal acts as do family members of diplomatic agents.

Members of service staff - Include those who perform more menial support tasks for the mission. They are accorded much less in the way of privileges and immunities. Service staff members have only official acts immunity in connection with all aspects of host state jurisdiction. Families of the service staff enjoy no privileges or immunities.

Foreign nationals - A foreign national is an individual who is a citizen of any country other than the United States.

Permanent residents of the United States - A permanent resident is a foreign national allowed to reside indefinitely within a country of which he/she is not a citizen.

As a general rule, diplomatic agents and staff/technical members of diplomatic missions are nationals of the sending country or some third country. The United States, as a general rule, does not accept the accreditation of its own nationals or permanent residents as diplomatic agents but, if the U.S. did, such diplomatic agents would enjoy inviolability and jurisdictional immunity only in connection with the performance of official acts. Family members of diplomatic agents enjoy no privileges or immunity if they are nationals or permanent residents of the United States. Both members of the administrative and technical staff and their families enjoy no immunity if they are permanent residents or nationals of the United States.

International organizations and related national missions personnel - Are international organizations, such as the United Nations. The privileges and immunities of the personnel of such organizations and the personnel of national missions to such organizations have a different basis than for immunities and privileges of diplomatic and consul representatives. In determining the degree of inviolability or immunity, law enforcement officers will be governed primarily by the identifying documents which were issued to someone. The following provides a general overview of privileges and immunities granted to an international organization's staff:

- **Personnel of international organizations** - The vast majority of personnel employed by an international organization enjoy official acts immunity only and no personal inviolability. In certain cases, the most senior executives of such organizations have been accorded privileges and immunities equal to those afforded diplomatic agents, such as the Secretary General and all Assistant Secretaries-General of the United Nations.
- **Personnel of national missions to international organizations** - Pursuant to international law, the most senior representatives in national missions to the international organizations have privileges and immunities equivalent to those afforded diplomatic agents. The remainder of the staffs are granted only official acts immunity.

Persona non grata (PNG) - A person who has become unacceptable to the parent country and been stripped of all or some privileges and immunities, allowing such persons only a reasonable time to remove themselves from the territory of the host country. PNG processes may be employed by the host country at any time, and there is no requirement, under international law, for such countries to justify their actions. For the United States, use of this procedure by request has inherent constraints. It is felt in most cases that this remedy

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should be employed only when there is reasonable certainty that a criminal act has actually been committed. Any PNG action taken by the United States, which cannot be defended in appropriate detail, may be understood by the other country as a political action and might result in the reciprocal PNG of an innocent American diplomat. A high standard of police investigation, records and reporting in diplomatic incident cases is therefore essential in the application of diplomatic tools available to remove persons engaged in criminal activity from the United States.

VCCR - Vienna Convention consul responsibilities.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers shall take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to an in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

In circumstances where there is imminent danger to public safety or it is apparent a serious crime may otherwise be committed, police officers may intervene to the extent necessary to halt such activity.

Police officers are permitted to defend themselves from personal injury.

When responding to or investigating an apparent violation of the law involving a person claiming diplomatic immunity, the investigator shall request official Department of State credentials.

If the individual is unable to produce satisfactory identification, and the results of the investigation normally require an arrest, the officer shall inform the individual he or she will be detained until proper identity can be confirmed by Department of State, Protocol Office.

Once proper identification is available or obtained, the investigating officer shall honor the individual's immunity granted by law.

If the individual is entitled to full inviolability and immunity of a diplomatic agent, he or she may not be arrested, and handcuffed, and/or detained, except if the individual is dangerous to himself/herself or others.

In all instances involving individuals claiming immunity the investigating officers shall:

(a) request a supervisor meet him/her at the scene;

(b) document all pertinent information from the identity card;

(c) fully document the incident reporting same on the NOPD incident report form;

(d) including traffic offenses;

(e) submit the report for approval; and

(f) forward a copy to the local office of the Department of State.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

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422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. These official acts of immunity must be raised as an affirmative defense in the court jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are several consular officers in the greater New Orleans area.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

There are many honorary consuls in the greater New Orleans area.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the DOS identification card, Foreign Service personnel should have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO) which, in most circumstances, replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labeled with the words diplomat or consul . Vehicles owned by honorary consuls are not issued OFM license plates but may have Louisiana license plates with an honorary consul label. The plates are coded to correspond generally with the degree of immunity to which the owner or principal operator is entitled:

- Prefix D indicates a diplomatic agent;
- Prefix S indicates a member of the administrative and technical staff; and

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- Prefix C indicates consulate personnel.

A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating U.S. as the state, if the officer has reason to question the legitimate possession of the license plate.

422.4.2 EXCEPTION

If a vehicle owned by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle shall be required to present vehicle documentation to permit police verification of the vehicle's status through standard access to NLETS (use access code U.S.). Should the vehicle prove to be stolen or to have been used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible. (Clay Hays, Chief of Community Relations, Diplomatic Motor Vehicle Office at the U.S. Department of State)

If someone claims immunity, it is imperative that the investigating officer promptly and accurately confirm the status of the person. Foreign officials, their families and staff possess various documents that may identify them as a foreign official but only the identification card issued by the Department of State is recognized as valid.

The status of a person claiming immunity may be examined through their Department of State issued identification card. The three types of cards are identified by:

(a) Diplomatic card borders are outlined in blue; Officials, green; and Consular, red.

(b) The front of the card displays the Department of State or United Nations Seal and foreign official's photograph.

(c) A statement of the bearer's criminal immunity is printed on the back with his/her signature.

Investigating officers may contact the Command Desk supervisor to seek assistance from the Department of State.

The following forms of identification are not conclusive of immunity status:

- **Foreign Diplomatic Passports and U. S. Diplomatic Visas** - Most foreigners in the United States who enjoy any degree of privilege and immunity possess a diplomatic passport issued by their country with a diplomatic (A of G) visa entered by U. S. authorities. However, foreign diplomatic passports, even those which contain U. S. diplomatic visas, are not authoritative confirmation their bearers enjoy any degree of privileges or immunities in the United States.
- **Tax Exemption Cards** - Under international law, most members of diplomatic missions and consulate posts and certain people associated with international organizations would normally be entitled to exemption from sales taxation in the United States. However, significant numbers of these individuals do not enjoy this privilege owing to considerations based on reciprocity.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

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422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(c) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.

(d) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(f) All other claimants are subject to the provisions of policy and procedures outlined here.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene. Field verification of the claimant's identity is to be attempted as follows:

(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. An officer shall verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Department personnel should use the following numbers in order of preference:

- Office of Foreign Missions (0730-1630 CST)
  Houston, TX

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(713) 272-2865

- Office of Foreign Missions (0815-1700 EST)
  Diplomatic Motor Vehicle Office
  Washington D.C.
  (202) 895-3521 (Driver's License Verification)
  (202) 895-3532 (Registration Verification)
  (202) 895-3533 FAX
- Department of State (Available 24 hours)
  Diplomatic Security Service
  Command Center
  Washington D.C.
  (202) 647-7277
  (202) 647-1512
  (202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the state of Louisiana, local law enforcement agencies, the foreign embassy or consulate, a driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving While Impaired (DWI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The officer shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security, OFM of the DOS, a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Department.

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422.6 TRAFFIC CRASHES

Persons involved in traffic crashes who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have D coded in the license class box of the Traffic crash Report. The actual driver's license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the crash scene should be handled in accordance with the procedures specified in this policy.

422.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic crash report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Superintendent of Police within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Platoon Commander/supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating officer, along with any supervisor's notes, materials or logs, to the Superintendent of Police's office within 48 hours of the incident. The Superintendent of Police's office will check to ensure that notification of DOS and all necessary follow-up occurs.

422.6.3 DOCUMENTATION PROCEDURES

If the driver has been stopped, the Records Division shall forward such information, with a copy of the traffic citation, if applicable, to the Department of Public Safety and Corrections within seven calendar days after the traffic stop. If the driver is involved in a motor vehicle crash, the Records Division shall forward such information with a copy of the written report of the crash investigation to the Department of Public Safety and Corrections within forty-eight hours after completion of the crash investigation (La. R.S. 32:393.2(A)).

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

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After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if ICE is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has the following rights (Vienna Convention on Consular Relations, Art. 36, (1969)):

(a) If you so desire, a consul representative from your country will be promptly notified of your arrest and the charges against you.

(b) Any correspondence or communication addressed to the consular post by the person arrested, in prison, custody, or detention shall be forwarded to the proper consul without delay.

(c) Consular officers are free to communicate with, and have access to, nationals from their respective countries.

(d) Consular officers have the right to visit arrested nationals who are in prison, custody or detention, and to arrange for legal representation.

If the individual requests consul notification, the officer shall contact the Communications Center as soon as practicable and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship;
- Full name of the individual, including paternal and maternal surname, if used;
- Date of birth or age;
- Current residence; and
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention, if the place of detention is different from the Department.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty

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obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the DOS website, http://www.travel.state.gov.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate arrest or investigation report, the date and time the Communications Center was notified of the foreign national's arrest or detention and his/her claimed nationality.

422.7.3 DEATH NOTIFICATIONS

In all instances of death, where a foreign national has died due to accident, natural causes, or criminal acts, and the incident has caused an official New Orleans Police Department incident report to be generated, initial consul notification shall rest with the New Orleans Police Department. (See NOPD Form 19)

422.7.4 THE WRECK/CRASH OF AN AIRCRAFT OR SHIP BEARING FOREIGN REGISTRY

Normally, the investigation of ship and aircraft wrecks or crashes do not come under the responsibility of the New Orleans Police Department. On scene police supervisors at locations of such events shall determine if a conveyance of foreign registry is involved. If such a conveyance is involved, the on-scene supervisor shall determine which federal, state, or local agency has reporting responsibility for the incident. Proper notification of the lead agency as to the responsibility of consul notification shall be the duty of the on scene police supervisor.

422.8 NOTIFICATIONS

Upon determining the arrested subject is a foreign national, the arresting officer shall immediately contact his/her supervisor informing him/her of the arrest.

422.8.1 SUPERVISOR RESPONSIBILITIES

It shall be the duty of the immediate supervisor to notify the proper consul office, when appropriate, supplying them with the information concerning the arrested subject. This responsibility shall not be delegated to subordinate personnel, unless the subordinate individual holds any police supervisory position. If a particular consul post cannot be located, the Department of State shall be contacted for assistance.

Facsimile notifications shall be made part of the incident report.

422.8.2 OFFICER'S RESPONSIBILITIES

Upon making an arrest, the arresting officer shall inform the receiving deputy at Central Lockup the individual arrest is a foreign national, indicating the country the individual is from. The name of the receiving deputy shall be made part of the incident report and any affidavit/summons forms.

Arresting officers shall not transport any arrested subject claiming foreign national status to any district station for the purpose of consul notification.

422.9 DIPLOMATIC IMMUNITY TABLE

Quick-reference table on diplomatic immunity:

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Category	Arrested or detained?	Enter residence subject to ordinary procedures?	Issued traffic citation?	Subpoenaed as witness?	Prosecuted?	Recognized family members?
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability(note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Arrest Warrant / Wanted Persons

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform process for maintaining warrants and wanted person files. In addition, this policy will establish criteria for entering wanted persons and warrants into local and state files. This will ensure that the policies established by the FBI for entering warrants into the FBI files and receiving information from other jurisdictions are adhered to. This policy establishes a uniform process for verifying and recording information received which will be placed into the agency files.

423.2 GENERAL INFORMATION

A warrant of arrest may be issued by any magistrate, and, except where a summons is issued under La. C.Cr.P. Art. 209, shall be issued when all of the following occur:

- The person making the complaint executes an affidavit specifying, to the best of his knowledge and belief; the nature, date, and place of the offense, and the name and surname of the offender, and of the person injured, if there be any; and
- The magistrate has probable cause to believe that an offense was committed and that the person against whom the complaint was made committed it.

A justice of the peace shall not have the authority to issue a warrant for the arrest of a peace officer for acts performed while in the course and scope of his official duties.

The New Orleans Police Department shall utilize the Application for Arrest Warrant (Form #206) Arrest Warrant (form #205). This form complies with the requirements of La.C.Cr.P. Art. 203.

Arrest warrants are directed to all peace officers in the state. Warrants may be executed in any parish by any peace officer having authority in the territorial jurisdiction where the person arrested is found, or by any peace officer having authority in one jurisdiction who enters another jurisdiction in close pursuit of the person arrested (La.C.Cr.P. Art 204).

Arrest warrants remain in effect until executed (La.C.Cr.P. 205).

423.3 SUPERVISOR'S RESPONSIBILITIES

Supervisory personnel from units attempting to execute an arrest warrant shall notify the on-duty platoon supervisor within the district where the arrest warrant is being executed prior to the execution of the warrant. The unit supervisor shall be responsible for determining the threat level involved in the execution of the warrant, and take the appropriate measures to ensure the safety of the officers executing the warrant, as well as the individual to be arrested. Appropriate measures include, but are not limited to the following:

- EMS standby;
- SWAT notification or involvement;
- Supervisory presence at the location of arrest; and
- The deployment or utilization of specialized equipment.

A supervisor shall review each request for a search or arrest warrant, including each affidavit or declaration, before it is filed by an officer in support of a warrant application, for appropriateness, legality, and conformance with NOPD policy. The supervisor shall

assess the information contained in the warrant application and supporting documents for authenticity, including an examination for boilerplate or pat language, inconsistent information, and lack of articulation of a legal basis for the warrant.

Once the warrant has been reviewed by the supervisor, and prior to the warrant being presented to the judge, the supervisor who reviewed the warrant shall have his name and badge number listed in the last sentence of the application for the warrant, stating Reviewed by (rank, name, badge number) as the reviewing supervisor.

As part of the supervisory review, the supervisor shall document in the appropriate logs those warrant applications that are legally unsupported, are in violation of NOPD policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The supervisor shall take appropriate action to address violations or deficiencies, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. The quality and accuracy of search warrants and supportive affidavits or declarations shall be taken into account in officer performance evaluations.

423.4 OFFICER'S RESPONSIBILITIES

If an arrest warrant is not executed immediately, the officer initiating the warrant shall keep a copy of the warrant in the case file at his/her unit of assignment.

The original arrest warrant and application for the arrest warrant shall be maintained in National Crime Information Center (N.C.I.C.). Arrest warrant and application for arrest warrant, without a bulletin attached, will not be accepted by N.C.I.C. The following information for each arrest warrant or attachment received by N.C.I.C shall be recorded:

- Date and time received;
- Nature of the document (arrest warrant or attachment);
- Source of the document;
- Name of the wanted person; and
- Court docket number (if applicable).

Officers shall not hold a warrant. All warrants shall be forwarded to N.C.I.C. immediately upon the warrant being signed by the judge.

When a warrant check is made by members of this department resulting in confirmation that the wanted subject does not reside at that location, (i.e., abandoned building, vacant lot, non-existing municipal address, etc.) the investigating officer's supervisor shall ensure that N.C.I.C. is notified of this address status via a crime bulletin message. A copy of the message shall be sent to the unit where the warrant was issued.

Whenever a new address is confirmed on a wanted subject, the officer shall notify N.C.I.C. so that the Metropolitan Orleans Total Information Online Network (M.O.T.I.O.N.) warrant file can be updated. The officer shall send a crime bulletin to the unit where the warrant was issued.

The bulletin shall be sent as a crime bulletin via the message entry system. The following information shall be included in the crime bulletin message:

Crime Bulletin Message Header:

Subject shall read Address Update/Wanted Subject

Crime Bulletin Message:

Item Number

Officer(s) Names

Original Offense Type and Location

Date and Time of Original Offense

Wanted Subject's Name, DOB, Race, and Gender

Address Section: Type See Narrative/Comments Section

Crime Bulletin Comments:

Justification for address update/correction shall be listed in this section.

Whenever an arrest warrant is executed or an attempt is made to execute an arrest warrant, the following information shall be documented either on a daily activity sheet for district patrol officers or the case file for the District Investigative Unit or the Investigative Support Division:

- The date and time the service was executed/attempted;
- The name(s) of officer(s) executing/attempting service;
- The name of the wanted person;
- Method of service/reason for non-service; and
- The address of service/attempt.

423.5 MUNICIPAL WANTED PERSONS

If an investigating officer determines that probable cause exists for the arrest of a person on municipal charges, and that person is no longer at the scene, the offense shall be documented in an offense report. A Crime Bulletin shall be sent informing other department members that the person is wanted for the offense. The investigating officer shall contact N.C.I.C. to verify receipt of the Crime Bulletin and note the verification in the offense report.

Because placing a person wanted for a municipal offense does not necessitate the completion of an arrest warrant, the arrest of the individual must be guided by the Arrests Policy and Procedure, particularly the sections pertaining to arrest without a warrant.

423.6 WANTED BULLETIN/ARREST WARRANTS

All felony offenses must be referred to Criminal District Court for possible prosecution. Officers conducting investigations where the wanted subject is to be charged in Criminal District Court (felonies and misdemeanors) shall obtain an arrest warrant and send a wanted bulletin if the suspect is not apprehended prior to the end of the officer's tour of duty. All Felony arrest warrants shall indicate, in writing, if the victim of the offense is a member of the wanted subject’s family, a household member, or a dating partner. The warrant and a copy of the bulletin shall be delivered to N.C.I.C. prior to the officer ending his tour of duty.

Once an arrest warrant is completed and an arrest is not immediately made, or if a suspect is wanted on a municipal charge, a Crime Bulletin must be sent by the investigating officer.

In the case of State Felony and Misdemeanor charges, the wanted bulletin must be sent before the original warrant is delivered to N.C.I.C. The officer sending the bulletin should complete the Crime Bulletin mask to the best of his/her knowledge. The bulletin shall contain at least the following information:

- All pertinent information needed to complete an affidavit once the suspect has been arrested;
- The employee identification number of the officer(s) sending the wanted bulletin (placed next to his/her name on the Crime Bulletin mask);
- As much descriptive information regarding the suspect as possible; and
- A gist of the incident to include all pertinent information explaining the charges the suspect is wanted for (i.e., the value of property damaged or stolen, the extent of injuries inflicted on the victim, etc.). This gist must include a statement of probable cause as it relates to each charge.

When a bulletin is sent, a notation shall be made on the face sheet and in the narrative section indicating the bulletin number, the date and time the bulletin was sent, and who sent the bulletin. The wanted bulletin should then be made part of the incident report.

423.7 ASSISTING BAIL BONDSMEN AND/OR BOUNTY HUNTERS

Article IV, Section 2, Clause 2 of the United States Constitution states A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. This provision in the Constitution gives individuals, referred to as bounty hunters, authority to take individuals into custody and deliver them to the authority having jurisdiction over any crime. Additionally, Article 345a of the La. Code of Criminal Procedure allows sureties or agents acting on its behalf, to arrest defendants and surrender them in open court.

While the New Orleans Police Department acknowledges the legal authority of bail bondsmen and/or bounty hunters, employees of the police department shall not extend any special privileges or treatment to bail bondsmen or bounty hunters.

Employees shall verify the credentials or identification of persons representing a bail bonds company or acting as bounty hunters. In the event an arrest is made, the identity of the bondsman or bounty hunter shall be made part of the police report.

Only individuals possessing Federal or Louisiana State law enforcement credentials are allowed to accompany NOPD officers in the execution of an arrest warrant.

Civilians, bounty hunters, bail bondsmen, etc. are prohibited from accompanying officers or taking part in the arrest of any wanted individual.

Wanted individuals shall not be arrested unless the warrant can be verified through N.C.I.C. The mere possession of a warrant, signed by the appropriate authority of another jurisdiction, shall not be sufficient grounds for commissioned employees to take an individual into custody. All warrants shall be verified through N.C.I.C. prior to the execution of the warrant.

All individuals arrested as a result of a verified warrant shall be transported to Central Lockup and booked accordingly. Commissioned employees shall not deliver any arrested individual into the custody of a bounty hunter, bail bondsman, etc. In the event a bail bondsmen or bounty hunter requests the assistance of the NOPD, and has a wanted individual in

custody, the NOPD assistance will be limited to the following:

- Verification of the warrant on the individual in custody; and
- Transportation of the wanted individual to the Central Lock-Up.

Officers shall document all incidents involving bail bondsmen or bounty hunters in a police report, whether or not an arrest is made. The identity of the bail bondsman or bounty hunter shall be included in the police report.

Warrant Inquiries

425.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for dealing with individuals arrested as fugitives, and for person(s) wanted by a jurisdiction in the State of Louisiana other than Orleans parish and released in lieu of physical arrest.

425.2 GENERAL INFORMATION

If during the course of an investigation, an officer is informed an individual has an outstanding warrant, he/she shall continue to detain the individual pending verification of the warrant or wanted bulletin through National Crime Information Center (NCIC).

An individual detained and found through NCIC inquiry to have an Orleans Parish Municipal and/or Traffic Court attachment shall be processed in accordance with the Failure to Appear Policy.

An individual detained and found through NCIC to have a verified warrant/attachment from a jurisdiction within the State of Louisiana other than Orleans parish, but the detaining officer, using his/her discretion, decides to release the individual pursuant to La. C.Cr.P. Article 211.1 in lieu of physical arrest, shall be processed in accordance with this policy and the Arrests Policy.

425.3 PERSONS WANTED BY JURISDICTIONS OUTSIDE THE STATE OF LOUISIANA

Upon verification of a warrant that does not contain limitations; an individual detained by New Orleans Police Officers and wanted by a law enforcement agency in another jurisdiction outside the State of Louisiana shall be arrested and processed through Central Lock-up in accordance with the Arrests Policy.

A person in custody and wanted by another jurisdiction, with no local charge(s), shall not be transported to Central Lock Up until verification of the warrant/wanted bulletin is obtained (see Arrests Policy).

NCIC will inform the officer if limitation(s) were placed on the warrant/wanted entry.

Limitations may include entries stating Will Not Extradite, Will Extradite from Certain States Only, etc. Any limitation placed on a warrant or wanted bulletin renders the warrant unenforceable outside of the limitations placed on the warrant. An officer detaining an individual with no local charges and the limitation(s) imposed does not give him/her probable cause to make an arrest shall:

- Not place the individual under arrest for the warrant/wanted entry.
- Prepare an incident report using a signal 17-F and list the offense as fugitive investigation .
- Include all information relative to the individual's residence, telephone number, place of employment, vehicle information, description, driver's license number, etc. in the incident report.
- Include in the report the warrant entry was limited and describe the offense for which the individual has a warrant.

A copy of the approved report shall be forwarded to the NOPD Violent Offenders Warrant Squad.

425.3.1 DELAY IN WARRANT VERIFICATION

If NCIC does not verify the warrant within thirty minutes, the detaining officer shall contact his/her immediate supervisor and advise him/her a verification of the warrant/wanted is pending.

The supervisor shall contact the on duty NCIC supervisor and request an expedited verification of the warrant.

If NCIC cannot verify the warrant and the supervisor authorizes the release of the detained individual, he/she shall instruct the detaining officer to prepare an incident report using the signal 17-F with the offense listed as, fugitive investigation. The investigating officer shall document the verification process and the time period the individual remained in the officer's custody.

A copy of the completed report is forwarded to the NOPD Violent Offenders Warrant Squad.

425.3.2 REQUIRED REPORTING INFORMATION

Specific information is required in the offense report to assist the magistrate judge in setting a bond. The below information is contained in all reports involving an arrest based on a state warrant(s):

- La. R.S.: 14-000 is used only if the warrant was issued in another state and the individual is under arrest.
- The entire offender section is completed.
- In the charges section of the offender section, the charge is listed as follows on out of state warrants:

  Example:
  La. R.S.: 14-000 fugitive from City, State (issuing authority to include the name of the city and state) for (appropriate charge) warrant number (appropriate warrant number) issued (correct issue date of warrant).
- The narrative section of the report will contain information consistent with the following:

  Example:
  On (date) at (time) police officer (officer's name) stopped one (arrested subjects name, race, sex, and DOB) in the (location of stop). His/her name was processed through NCIC The officer learned he/she was wanted by the (issuing authority city and state) for the offense of (appropriate charge) under warrant number (warrant number on warrant). The warrant was issued on (issue date on warrant). NCIC operator (name of NCIC operator) verified warrant. Indicate if the prisoner was wearing a monitoring device (E.M.D.). Attached is a copy of the bulletin stating (issuing authority) will extradite.

425.3.3 TRANSPORTING FUGITIVES

After the warrant is verified by NCIC, the prisoner shall be transported to Central Lock-Up and processed as a fugitive. A copy of the completed report shall be forwarded to the NOPD Violent Offenders Warrant Squad.

425.4 RECEIVING FUGITIVE ARRESTS FROM CONTIGUOUS PARISHES

A person wanted by the New Orleans Police Department, and in the custody of Jefferson, St. Bernard, Plaquemines, or St. Tammany Parish law enforcement agencies, shall be transported to Central Lock-Up after verification of the warrant by on duty personnel in the NCIC Section.

Transport requests from law enforcement agencies in contiguous parishes are dispatched by Communications Services as follows:

- Second District unit will be dispatched to transport a prisoner held in Harahan, Louisiana.
- Second District unit will be dispatched to transport a prisoner held in Harahan, Louisiana.
- Third District unit will be dispatched to transport a prisoner held at the Jefferson Parish east bank Lock-Up.
- Fourth District unit will be dispatched to transport a prisoner held in the Jefferson Parish west bank Lock-Up, and Plaquemines Parish Belle Chasse Lock-Up.
- Seventh District unit will be dispatched to transport a prisoner held in the Slidell Police Department's Lock-Up, and the St. Tammany Parish Lock-Up.
- Fifth District unit will be dispatched to transport a prisoner held in St. Bernard Parish.

If a unit is not available in the above listed districts, and a unit will not become available within a reasonable amount of time, the on-duty platoon supervisor in Communications Services shall assign the transportation to a district unit as geographically close as possible to the prisoner's place of confinement.

An officer(s) assigned to the Fugitive Unit shall be dispatched to transport a prisoner from any parish that is not contiguous to Orleans Parish. The on duty platoon supervisor from Communications Services shall contact the Commander of the Fugitive Unit and arrange for transportation of the prisoner to Orleans Parish.

The district officer is responsible for the transportation of juvenile offenders arrested as fugitives from Orleans Parish and held in a facility outside of Orleans Parish.

425.5 FUGITIVE ARREST REPORTING REQUIREMENTS

A supplemental report shall be completed and a cancellation bulletin sent by an officer(s) assigned to transport a prisoner from a parish outside of Orleans Parish.

An incident report shall be completed on a capias arrest, if the warrant was issued by a Criminal District Court or Civil District Court Judge.

Incident reports are not required for the arrest of an individual wanted on an attachment issued by an Orleans Parish Municipal, or Traffic Court Judge (see Failure to Appear Policy).

If a person under arrest has more than one verified attachment/warrant from the same jurisdiction, other than Orleans parish, the investigating officer shall complete one incident report including all attachment/warrant numbers in the charge section of the report.

Example:
If the person has five verified warrants from Jefferson Parish, the arresting officer will complete one Fugitive Investigation/Attachment report placing all five warrant/attachment numbers in the charge section of the report. Officers shall use the same procedure when completing an Electronic Police Report (EPR).

425.6 PERSONS WANTED BY JURISDICTIONS WITHIN THE STATE OF LOUISIANA, RELEASE, SUMMONS, AND ARREST OF WANTED PERSONS

A report is no longer required when an officer releases a person wanted from a jurisdiction other than Orleans Parish (17-R Fugitive Release) in accordance with Louisiana Code of Criminal Procedure Article 211.1.

Officers are no longer required to write an incident report when releasing a wanted person from another jurisdiction, however, when an officer has verified through NOPD-NCIC that a person is wanted by a jurisdiction outside Orleans Parish and releases the person in accordance with the above stated article (CCrP 211.1) the officer shall:

- Request a 17-R (Fugitive Release) Item Number
- Complete a Field Interview Card (FIC) on the person being released fully explaining the reasons for the contact with the person, what the person was wanted for, what agency the person was wanted from, in the narrative section of the FIC.
- Reference any other item numbers involving the released person in the narrative section of the FIC.
- Give any updated information obtained on the person (i.e., new address, vehicle information, physical identifiers, driver's license number, etc.) to NCIC and advise that you are releasing the person.
- Close the 17-R item number with a disposition of Necessary Action Taken (NAT) – 1 FIC.

If an officer elects to arrest a person for an offense other than those mandated by CCrP Article 211.1 (listed below), the officer shall first receive permission from his/her supervisor. The officer shall state the reason(s) why the person is being arrested and booked. The name of the supervisor approving the physical arrest and booking shall be documented in the fugitive arrest (17-F) report.

If the person is being physically arrested and booked for any other charge, the person shall also be arrested for verified fugitive attachments that person has.

Although the person is being released, the incident should count as an "arrest" for statistical purposes.

Officers shall arrest a person wanted for offenses mandated by Article 211.1 as follows:

- Any offense involving the operation of a vehicle while intoxicated.
- Any offense involving the use or possession of a weapon.
- Any offense involving the use of force or violence, except the crime of simple battery unless the warrant or attachment indicates that the battery was prosecuted as a domestic abuse batter as defined in La. R.S. 14:35.3.
- Any offense or bench warrant issued involving the failure to pay a legal child support obligation.

- When the offender has an outstanding felony warrant.

Officers **shall not** issue a summons when the warrant was issued from another jurisdiction (not Orleans Parish).

All 17-F reports shall be completed in accordance with Policy 425.5, paragraph 4.

425.6.1 SUPERVISOR'S RESPONSIBILITIES

The intent of this policy is to free resources for response to serious crimes and not consume an officers time booking a person wanted from another jurisdiction for a minor offense which the issuing agency is not going to pick up from central lock-up.

Supervisors should only approve the booking of a person wanted from another jurisdiction under the following circumstances:

- The person is under arrest, and will be booked for another unrelated violation
- The person's identity cannot be verified or confirmed
- The issuing agency indicates, through NOPD – NCIC, they will pick the person up from central lock-up.
- The person acts in a violent or destructive manner or makes a statement indicating they intend to inflict injury to themselves or another, damage property, or
- Based on the known circumstances, the supervisor determines it is absolutely necessary to make an arrest and book the subject.

425.7 NCIC PERSONNEL

When a member of the New Orleans Police Department NCIC Unit is verifying a fugitive attachment, the NCIC member shall request the following from the verifying agency:

1) Is the attachment verified as good or outstanding?
2) What is the actual charge for the attachment?
3) If the peson is physically arrested and booked, is the agency going to take physical custody of the person?

NCIC personnel shall then relay the information received from the verifying agency to the requesting officer.

When a member of the NICIC unit is notified an officer is releasing a person with a warrant/attachment from another jurisdiction pursuant to C.Cr.P. Art. 211.1, the NCIC Commander or their designee shall send a teletype message to the verifying agency stating the person is being released and forward forward any updated information obtained by the officer.

Reporting Law Enforcement Activity Outside of the Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides specific guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the New Orleans Police Department.

426.2 LAW ENFORCEMENT ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an outside law enforcement agency to participate in law enforcement activity in another jurisdiction, the request will be made from a law enforcement rank at the appropriate Command Desk to the requested officer's rank or Commander at the Division or District. The officer(s) and or rank/Commander shall immediately respond to the request as outlined in the Mutual Aid and Outside Agency Assistance Policy, which can be located in New Orleans Police Department Policy 352 - Mutual Aid and Outside Agency Assistance.

426.3 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of the New Orleans Police Department that are not part of a mutual aid request shall notify the Command Desk as soon as practicable. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Command Desk as soon as reasonably practicable.

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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the New Orleans Police Department in reporting, investigating and enforcing immigration laws.

428.2 POLICY

It is incumbent upon all employees of this department to make a personal and professional commitment to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

Officers shall not take law enforcement action on the basis of actual or perceived immigration status, including the initiation of stops or other field contacts.

Officers shall not enforce La. R.S. 14:100.13, which states that no alien student or non-resident alien shall operate a motor vehicle in the state without documentation that the person is lawfully present in the United States.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may often be necessary to determine the identity of a victim or witness, employees shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Louisiana Constitution.

Officers shall not question victims of, or witnesses to, crime regarding their immigration status. Nothing in this provision shall prohibit NOPD from assisting nonimmigrant victims/witnesses in obtaining U Visa/T Visas, where appropriate.

428.4 INFORMATION SHARING

Unless otherwise dictated by law, it is the policy of the New Orleans Police Department that:

(a) No employee shall prohibit, or in any way restrict, any other employee from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

1. Sending information to, or requesting or receiving such information from, ICE.
2. Maintaining such information in department records.
3. Exchanging such information with any other federal, state or local government entity.

(b) Employees shall cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

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428.5 U VISA/T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC 1101(a)(15)(U), 8 USC 1101(a)(15)(T)). A declaration/certification for a U Visa/T Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U Visa/T Visa to be issued.

Any request for assistance in applying for U Visa/T Visa status should be made through the Victim/Witness Unit. The ISB commander or his/her designee should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted;

(b) Review the instructions for completing the declaration/certification. Instructions for completing Forms I-918/I-914 can be found on the DHS website at http://www.uscis.gov/portal/site/uscis;

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted; and

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

428.6 TRAINING

The Education and Training Division shall ensure that all employees receive appropriate immigration training.

428.7 ICE REQUEST FOR ASSISTANCE

Specific requests for assistance by ICE or any other federal agency should be directed to a supervisor. This department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

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Emergency Utility Notifications

430.1 PURPOSE AND SCOPE

The City of New Orleans has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Department. Requests for such service received by this department should be handled in the following manner.

430.2 POLICY

The Department may respond to emergency utility calls. Non-emergency deficiencies which adversely affect the quality of life of residents of the City of New Orleans shall be submitted to the Quality of Life Officer for the district in which the deficiency was noted.

430.3 PROCEDURE

430.3.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to a residence or business is the customer's responsibility. The Sewerage and Water Board can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Services.

Upon observing a damaged water line, the officer shall advise Communications Services of the location. The dispatcher shall make the necessary notification to the Command Desk, which will then notify the proper maintenance agency.

430.3.2 ELECTRICAL LINES

The City of New Orleans does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched in order to protect against injury or property damage that might be caused by power lines. The electric company or the Department of Public Works should be promptly notified, as appropriate.

Upon observing a downed power line, the officer shall advise Communications Services of the location. The dispatcher shall make the necessary notification to the Command Desk, which will then notify the proper maintenance agency.

430.3.3 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Communications Services.

430.4 TRAFFIC SIGNAL MAINTENANCE

The City of New Orleans is responsible for maintenance for all traffic signals within the City, other than those maintained by the Louisiana Department of Transportation and Development.

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430.4.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Communications Services of the location and problem with the signal. The dispatcher shall make the necessary notification to the Command Desk, which will then notify the proper maintenance agency.

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Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents, the responsibilities of personnel, making proper notifications and documentation.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft accident - An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage (49 CFR § 830.2).

434.2 RESPONSIBILITIES

In the event of an aircraft accident, the employee responsibilities are as follows.

434.2.1 OFFICER RESPONSIBILITIES

Officers should treat an aircraft accident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the extent of the accident.

(b) Notify his/her immediate supervisor.

(c) Advise Command Desk to notify the district commander.

(d) Request additional personnel and other resources to respond as needed.

(e) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(f) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(g) Provide traffic and crowd control and other assistance until directed otherwise by a supervisor.

(h) Ensure the appropriate Medical Examiner's Office is notified if a death occurs.

(i) Implement Incident Command System (ICS).

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If reasonably possible, the investigating authority should first be consulted before entering or moving any aircraft or any accident debris. Photographs or sketches of the original positions should be made whenever practicable.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment.

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Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority, such as the National Transportation Safety Board (NTSB).

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board has the primary responsibility for investigating accidents and making notifications involving civilian aircraft, including aircraft of foreign registry. In the case of a military aircraft accident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of an accident as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as the NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities. If the NTSB is not responding for an on-site investigation, it will be removed at the discretion of the pilot or the owner.

434.2.3 COMMUNICATIONS SERVICES RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire department

(b) The appropriate airport tower

(c) Closest military base if a military aircraft is involved

(d) EMS or other assistance as required

(e) Public Information Officer

(f) District Commander

(g) Field Operations Bureau Deputy Superintendent

Communication Services will contact the Traffic Division Commander of the incident.

If requested, the Communications Services shall provide a dedicated channel for management of the incident.

When an aircraft accident is reported to the Department by the airport tower personnel, the dispatcher receiving such information shall verify that the tower personnel will contact the

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Federal Aviation Administration (FAA) Flight Standards District Office and the NTSB. In the event that airport personnel are not involved, the dispatcher shall notify the FAA and the NTSB.

434.2.4 RECORDS MANAGER RESPONSIBILITIES

The Records Division Commander or designee responsibilities include:

(a) Forwarding and maintaining an approved copy of the report to the Louisiana Department of Transportation and Development, Aviation Section.

(b) Forwarding a copy of the report to the Field Operations Bureau.

434.2.5 PRESS INFORMATION OFFICER RESPONSIBILITIES

The New Orleans Police Department Public Information Officer's responsibilities include:

(a) Obtaining information for a press release from the on-scene commander or the authorized designee.

(b) When practicable, coordinating with the FAA Press Information Officer on preparing a press release and distributing it to the media.

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy. Officers on scene shall not give information to the media and direct all media related questions to the Public Information Officer.

434.2.6 COMMANDER RESPONSIBILITIES

When notified of an aircraft incident commanders have the following responsibilities:

- The Traffic Division commander will send personnel to the scene to conduct an investigation, determine whether to request additional aid, and the level of aid, to the scene to contain the area of the accident from civilians and others that should not be present at the scene.
- The Special Operations Division commander or designee will determine whether to send personnel to assist the traffic division if needed. Factors to consider in this determination include the location of accident, size of aircraft and number of passengers involved.

434.3 DOCUMENTATION

Any aircraft accident within the City, regardless of whether injuries or deaths occur, shall be documented. The Traffic Division will be responsible for completing the initial incident report.

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Field Training Program

436.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program, or Phase II of the Recruit Training Program, is designed to provide directed field experience for new employees. It serves as a final step in the officer selection process. Its goal is to provide an individually tailored one-on-one program, seeking improvement in weak performance areas and those requiring more attention, while simultaneously insuring that each trainee masters a predetermined set of tasks before completion.

436.1.1 DEFINITIONS

Definitions relating to this policy include:

Field Training Coordinator (FTC) - A Field Training Coordinator is the member responsible for overseeing the entire FTO Program.

Field Training Officer (FTO) - A Field Training Officer is an office who has in interest in training, a functional knowledge of penal and motor vehicle codes, criminal procedures, department policies and procedures, as well as, above average skills in writing and conducting investigations.

Field Training Sergeant (FTS) - A Field Training Sergeant is a sergeant who oversees the Field Training Officers in his/her particular district.

436.2 POLICY

The field-training program for recruit academy graduates shall comport with NOPD's written training plan. The field training program shall follow academy training and shall be at least 16 weeks.

436.3 FIELD TRAINING PROGRAM

The trainee who satisfactorily completes this program should be more aware of local community needs, and better trained to handle a wide range of situations with both confidence and insight. Those trainees who are unable to properly cope with or master the basic tasks required of today's police officers will be identified in this program and can be dealt with on an individual basis.

Initially, the recruit functions primarily as an observer, while the FTO completes his/her daily duties. As the recruit progresses through the FTO program, more duties and responsibilities are assigned to the trainee. There is a gradual sharing of duties as the recruit becomes more familiar with the tasks involved in policing. Eventually, the recruit performs all of the required tasks, while the FTO serves as an observer and evaluator.

If, in the opinion of the FTO, the district FTS, the district commander, and the FTC, a recruit does not demonstrate a satisfactory performance level, the recruit may be terminated. Failure of a recruit to satisfactorily pass the final phase of Field Training shall be cause for termination.

Recruits in the field-training program shall be trained in a variety of geographic areas within New Orleans; in a variety of shifts; and with several FTOs.

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436.3.1 FIELD TRAINING MANUAL

Each Field Training Recruit will be issued a Field Training Manual at the beginning of the recruit training program. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the New Orleans Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

436.4 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.4.1 TRAINING OFFICER

FTOs are responsible for assisting the recruit officer during the next phase of his/her training. The responsibility will include, but is not limited to ensuring the recruit understands any material or task given during the week to complete (successfully perform).

FTOs are required to:

(a) Complete and submit a written evaluation on the performance of their assigned trainee on a daily basis using the Daily Observation Report (D.O.R.)

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.

(d) Sign off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

The Recruit Officer Manual will remain in the possession of the recruit and will be made available to the training officer, district supervisor, program coordinator, etc., as required. Evaluation reports will be numbered sequentially to insure completeness and to facilitate administrative control. All evaluations and documents pertinent to each recruit shall be routed through the chain of command to the program coordinator. All reports on each recruit will be maintained in an individual file. These recruit files will be centrally located in the FTC's office. The records will be available, as needed, to FTOs, FTO Program personnel, and the Field Operations Bureau administrative personnel. Upon completion of the recruit's probationary period, these files will be placed in storage, and will not normally be considered as part of the officer's regular personnel file.

436.4.2 FIELD TRAINING SERGEANT

An FTS shall be assigned in each district. The district's FTS is responsible for ensuring the appropriate daily observation reports contain the necessary information, including all supporting documents for each daily observation report for that week. These reports are to be presented at each weekly meeting.

In addition to the above duties, the FTS shall explain any problem the recruit officer is having which prevents his/her from complete that phase's requirements with the FTC.

436.4.3 FIELD TRAINING COORDINATOR

The FTC shall be responsible for overseeing the entire FTO Program.

The FTC will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's FTS.

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The FTC will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the FTC will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Superintendent of Police, through the chain of command, for review and approval.

436.4.4 FIELD TRAINING OFFICER / SERGEANT

Annually, FTO and Field Training Sergeant performance shall be reviewed and evaluated, with re-certification dependent on satisfactory prior performance and feedback from the Training Division staff.

436.4.5 RECRUIT

The NOPD Training Division shall create a mechanism for recruits to provide confidential feedback regarding the quality of their field training, including the extent to which their field training was consistent with what they learned in the Academy, and suggestions for changes to Academy training based upon their experience in the FTO program. The Training Division will consider feedback and document its response, including the rationale behind any responsive action taken or decision to take no action.

436.5 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

(d) The Recruit must successfully complete the Field Training Program (Phase II) to receive their P.O.S.T. certification and the promotion to Police Officer I.

(e) Any Recruit failing to successfully complete Phase II will not receive their P.O.S.T. certification and will not be eligible for the promotion to Police Officer I.

These files are kept secured by the Field Training Coordinator, separate and apart from officer's regular files, at the Municipal Training Academy. The Training Division Commander, Field Training Coordinator and the Recruit Commander are the only personnel who have access to these files. These files are maintained for a minimum of seven years.

436.6 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

The FTO has the responsibility of assisting the recruit officer during Phase II training, while still maintaining the performance of the beat unit to which the recruit and FTO are assigned. FTOs will receive an additional five percent (5%) of base pay while assigned to the program. The responsibilities and selection process of the FTO are covered in depth in the Field Training Officer's Manual.

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436.6.1 SELECTION PROCESS

The FTO participation policy shall be established and the FTO program implemented, to attract the best FTO candidates.

Only highly qualified officers shall serve as FTOs and Field Training Sergeants. FTO appointments will be subject to review for reappointment at the Training Division Commander's discretion. District commanders will also have discretion, upon consultation with the Training Academy staff, to remove a field-training officer from the FTO program.

FTOs will be selected based on the following:

(a) Assigned to the Field Operations Bureau - Platoon Assignment Only

(b) Demonstrated maturity

(c) Desire to be an FTO

(d) Demonstrated knowledge of criminal/motor vehicle codes and criminal procedures

(e) Demonstrated above average skills in writing police reports and conducting investigations

(f) Minimum of four years of patrol experience, two of which shall be with this department

(g) Demonstrated ability as a positive role model

(h) Participate and pass an internal oral interview selection process

(i) Evaluation by supervisors and current FTOs

(j) Performance evaluations

(k) Previous superior performance as police officers

(l) Complaint and disciplinary history

(m) Attendance

After an intensive background study, the FTO candidate's application will be reviewed by the District Commander, and the FTO Selection and Evaluation Committee.

436.6.2 TRAINING

All current and new FTOs and Field Training sergeants shall receive at least 40 hours of initial supervisory-level training and annual in-service training in the following areas:

- Management and supervision
- Community-oriented policing
- Effective problem solving techniques
- Field communication

FTOs and Field Training sergeants shall be required to maintain, and demonstrate on a regular basis, their proficiency in managing recruits and subordinates, practicing and teaching community-oriented policing, and solving problems effectively. NOPD shall maintain current documentation of FTOs' evaluations and training.

All FTOs must complete an FTO update course approved by the Department annually while assigned to the position of FTO.

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Bulletins

437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for sending crime bulletins and to define the information required in a crime bulletin.

437.2 INSTRUCTIONS

Crime Bulletins shall be sent for the following:

- All missing persons, wanted subjects and runaways;
- Cancellation bulletins of missing, wanted subjects, or runaways;
- Lost or stolen firearms;
- Lost, stolen or found identifiable property (.e.g., property with known serial numbers, initials, engravings.).

An Electronic Police Report (EPR) shall be completed when a crime bulletin is required. The reporting officer shall check yes in the Bulletin Required box on the Face Sheet of the EPR. No additional bulletin form is required. However, when a report requiring a crime bulletin is incomplete , the reporting officer shall complete the EPR sufficiently for a crime bulletin to be sent.

When yes is checked in the Bulletin Required box, the reporting officer, or desk officer, shall send a crime bulletin prior to ending their tour of duty. The message number generated shall be included on the face sheet and in the narrative section of the EPR. A copy of the crime bulletin shall be made inclusive of the Incident Report.

In all instances of an arrest or recovered identifiable property, a supplemental report shall be completed containing all pertinent information. The crime bulletin number, the NCIC contact person who verified the wanted status, and the person who received the cancellation bulletin shall be noted on the face sheet of the EPR and also contained in the narrative section.

A copy of the crime bulletin shall be made inclusive of the Supplemental EPR.

437.3 MISSING PERSONS, WANTED SUBJECTS AND RUNAWAYS BULLETINS

The following sections of the bulletin shall be completed for all missing persons, wanted suspects and runaways.

437.3.1 CRIME BULLETIN SUBJECT

The Subject shall read as follows:

- Missing,
- Wanted suspect, or
- Runaway.

437.3.2 CRIME BULLETIN MESSAGE

- Item number,
- Officer(s) name(s),

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- Original offense location,
- Date and time of original offense,
- Suspect information section, and
- Vehicle section, if required.

437.3.3 COMMENTS

Comments Section shall include, but is not limited to, the following:

- Condition of the victim in all battery cases;
- Description of weapon used in battery, assault, and robbery cases;
- Additional information which could assist officers in locating a missing, wanted, or runaway person shall be added; and
- A brief summary of the incident and charges.

437.4 CANCELLATION BULLETINS ON MISSING, WANTED SUSPECTS AND RUNAWAYS

The following sections of the bulletin shall be completed for the cancellation of all missing persons, wanted suspects and runaways:

437.4.1 CRIME BULLETIN SUBJECT

The Subject should read, Cancellation Bulletin.

437.4.2 CRIME BULLETIN MESSAGE

- Item number,
- Officer(s) name(s),
- Original offense location,
- Date and time of original offense,
- Suspect information section, and
- Vehicle section, if required.

437.4.3 COMMENTS

Comments Section shall include, but is not limited to, the following:

- Attention to the original reporting officer(s) and NCIC;
- A brief summary explaining the arrest, or the location of where the missing person was located and the condition of the missing person; or
- If the runaway returned home, specify the date, time, and condition of the runaway.

437.5 LOST OR STOLEN FIREARMS

The following sections of the bulletin shall be completed on all lost or stolen firearms:

437.5.1 CRIME BULLETIN SUBJECT

The Subject should read:

- Lost or Stolen firearm

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437.5.2 CRIME BULLETIN MASSAGE

- Item number,
- Officer(s) name(s),
- Original offense location,
- Date and time of original offense,
- Suspect information section, if required, and
- Vehicle section, if required.

437.5.3 CRIME BULLETIN PROPERTY

Fill in required information, if unknown type in Unknown and if not applicable type in N/A ,

437.5.4 COMMENTS

Information included in this section shall include the following:

- Complete description of the weapon, make, model, caliber, barrel length, serial number, etc.; and
- A brief summary of the incident.

437.6 LOST, STOLEN, FOUND OR RECOVERED IDENTIFIABLE PROPERTY (INCLUDING RECOVERED FIREARMS)

The following sections of the bulletin shall be completed on all lost, stolen, found or recovered identifiable property:

437.6.1 CRIME BULLETIN SUBJECT

The Subject should read:

- Lost
- Stolen
- Found or
- Recovered identifiable property.

437.6.2 CRIME BULLETIN MESSAGE

- Item number,
- Officer(s) name(s),
- Original offense location,
- Date and time of original offense,
- Suspect information section, if required,
- Vehicle section, if required.

437.6.3 CRIME BULLETIN PROPERTY

Fill in required information, if unknown type in Unknown and if not applicable type in N/A .

437.6.4 COMMENTS

Information included in this section shall include the following:

- Complete description of the identifiable property, including serial numbers, initials, engravings, etc.; and

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- A brief summary of the incident.

437.7 CANCELLATION BULLETINS

If the warrant(s) is local (issued by NOPD), the arresting officer shall send a cancellation bulletin for an arrest based upon a verified warrant/crime bulletin and affecting an arrest for an open NOPD item. The cancellation bulletin contains the disposition of the arrest (physical arrest or summons issued); if a summons was issued the summons number is noted in the bulletin. NOPD has no authority to modify, locate or cancel any warrant(s) from another department, agency, or jurisdiction. Therefore, no cancellation bulletins shall be sent for any fugitive arrest (17F), court capias (21), municipal or traffic attachments (17M/T), or probation violations.

The reporting officer shall contact NCIC via telephone and verify that they received the specified bulletin.

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Felony Wanted Vehicle Entry in NCIC

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for entering vehicles involved in felony offenses into the National Crime Information Center (NCIC) system.

439.2 GENERAL INFORMATION

A description of a vehicle used in the commission of a felony offense may be entered into NCIC, provided that the investigating officer has an accurate description of the vehicle and has probable cause to believe the vehicle sought was used in the commission of a felony. The vehicle will be automatically purged from the NCIC computer system files after ninety days. The investigating officer must submit a formal request to NCIC for the vehicle description to remain in NCIC for an additional period of time. The request for additional time must include a reasonable explanation and be approved by the investigating officer's supervisor.

A description of a vehicle registered to a wanted subject cannot be entered, unless the vehicle was used in the commission of the felony.

439.3 INSTRUCTIONS

On-duty personnel assigned to NCIC will verify the suspected vehicle information through State License Inquiry Index (S.L.I.X.) prior to entering the information into the NCIC computer system files.

439.4 INSTRUCTIONS

A Felony Wanted Vehicle Bulletin Form (Form 290) must be completed in its entirety, reviewed and signed by the investigating officer's supervisor before being sent to NCIC requesting entry into the system.

A Felony Wanted Vehicle Bulletin Form entry will use the same item number assigned to the offense under investigation and requires sending a separate bulletin in addition to any bulletin(s) required by the Crime Bulletins Policy and the Arrest Warrant/Wanted Persons Policy.

An officer locating a vehicle listed with NCIC as being involved in the commission of a felony shall complete a supplemental report listing the NCIC officer's name, and send a cancellation bulletin so the vehicle is removed from the NCIC Felony Vehicle file. A copy of the report and cancellation bulletin shall be sent to the investigating officer or his/her unit/division/bureau.

A recovered vehicle shall be processed as evidence in accordance with the Search and Seizure Policy.

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Contacts, Detentions and Photographing Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and the taking and retention of photographs of persons detained in the field but not arrested.

440.2 POLICY

The New Orleans Police Department respects the rights of the members of our community to be free from unreasonable detentions or searches. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the officer based on the totality of the circumstances and officer safety considerations.

440.3 DEFINITIONS

Definitions related to this policy include:

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Digital Mobile Video Audio Recording (DMVAR) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable suspicion - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been or is about to be committed.

440.4 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting a Field Interview (FI) where the officer has articulable reasonable suspicion that the person has been, is, or is about to be engaged in the commission of a crime (Terry v. Ohio). In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop.

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440.4.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the New Orleans Police Department to strengthen community involvement, community awareness and problem identification.

Officers shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation or gender identity in establishing reasonable suspicion or probable cause, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.

440.4.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

440.4.3 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee is arrested.

440.5 PAT-DOWN SEARCHES

Once a valid stop has been made, an officer may pat down a suspect's outer clothing if he/she has a reasonable, articulable suspicion that the suspect is armed. The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue the investigation without fear of violence.

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440.6 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall consider, among other things, the factors listed below.

440.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives verbal consent.

440.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph..

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.7 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

440.8 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Platoon Commander with either an associated Field Interview Card (FIC) or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Platoon Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FIC or memorandum is relevant to criminal gang enforcement, the Platoon Commander will forward the photo and documents to the gang unit supervisor. The gang unit supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Street Gangs Policy.

(b) Photographs that do not qualify for retention in the criminal gang file or that are not evidence in an investigation with an assigned case number shall be forwarded to the Records Bureau. These photographs will be kept in compliance with the department's records retention schedule.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be

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retained as a part of the case file. All other photographs will be kept in compliance with the department's records retention schedule.

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Mobile Digital Computer and Automatic Vehicle Locator Use

448.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from state and national databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations. The Automatic Vehicle Locator (AVL) is a device that automatically tracks the geographic position of a vehicle and transmits that information to a receiver. MDCs may be equipped with AVL capability.

448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the department's Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC.

448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC

Whenever reasonably possible, officers will not use units with malfunctioning MDCs. Whenever officers must drive a unit in which the MDC is not working, they shall notify Communications Services.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers should not operate an MDC within 300 feet of a suspected device. Operating the MDC may cause some devices to detonate.

448.4 AUTOMATIC VEHICLE LOCATOR (AVL) USE

At a minimum, MDCs equipped with the AVL support function will be installed in all marked or unmarked vehicles that are assigned to routine calls for service, task forces, tactical units, prisoner transport wagons and SOD canine units.

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(a) Supervisors shall review AVL recordings of all officers listed in any New Orleans Police Department report regarding any incident involving injuries to a prisoner or an officer, uses of force, vehicle pursuits or misconduct complaints.

(b) Supervisors shall review recordings regularly incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers.

(c) Supervisors shall be responsible for ensuring that officers under their command use AVL equipment as required by policy. Supervisors shall report equipment problems and seek to have equipment repaired as needed. Supervisors shall refer for investigation any officer who fails to properly use AVL equipment.

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Prisoner Transportation

453.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide adequately for the safety and security of the prisoner, the transporting officer, and the public.

453.2 POLICY

Transportation by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Transportation of a prisoner shall be accomplished using that degree of restraint deemed necessary by the officer to safely complete the task.

453.3 DOCUMENTATION OF CUSTODY

Arresting/transporting officers shall document the name and agency title of the individual accepting or transferring custody of each arrested person. This shall be accomplished as indicated below:

(a) In instances involving an arrest by the New Orleans Police Department in Orleans Parish, the arresting officer shall obtain the name of the receiving deputy and record it in the incident report. In the absence of an incident report, the receiving deputy's name shall be listed in the remarks/comments section of the transport officer's paperwork, affidavit, summons, or traffic citation. In instances where the transport officer is not the arresting officer, it shall be the responsibility of the transporting officer to obtain the name of the receiving deputy, relaying same to the reporting officer for inclusion into their report.

(b) When receiving adult detainees from another jurisdiction, the receiving officer shall obtain the name of the individual from whom he received custody. Upon arrival at Central Lock Up, the transporting officer shall obtain the name of the individual who accepts custody of the prisoner. This information shall be documented in the report/transport paperwork.

Should it be necessary for an officer with a prisoner in custody to relinquish custody of that prisoner to an outside jurisdiction, the name and jurisdiction of the accepting individual shall be documented in an incident report. Should the circumstances by which the officer came into custody of the individual not require an incident report, a report will be written under a signal 21 (miscellaneous incident) stating how the officer came into custody of the individual, and reasons why the prisoner was turned over to another jurisdiction.

453.3.1 DOCUMENTATION OF CUSTODY - JUVENILES

Documentation of custody in juvenile detention incidents shall be completed as follows:

(a) Arresting/Transporting officers shall document in their report/transport paperwork the identity of the person accepting custody of the detained juvenile from the Juvenile Intake Unit.

(b) Arresting/Transporting officers shall document in their report/transport paperwork the identity of the person accepting custody of the detained juvenile from either the Truancy Center, or the Curfew Center.

(c) Arresting/Transporting officers from the Juvenile Intake Unit shall document in their report/transport paperwork the identity and place of employment of the person

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accepting custody of the detained juvenile. This will include all outside enforcement jurisdictions and/or social services agencies.

453.4 IDENTIFICATION OF PRISONERS TO BE TRANSPORTED

Officers accepting custody of a prisoner from a detention facility shall utilize all resources available to ensure the identity of the individual. These will include, but not be limited to, photographs, fingerprints, tattoos, scars or other identifiable markings, and/or personal effects in possession of the individual at the time of their arrest.

453.5 ESCAPE/SUICIDE POTENTIAL - OTHER IMPRTANT TRAITS

Prior to accepting custody of an individual from a detention facility, transporting officers shall inquire if the individual is a suicide or escape threat. Other important questions such as feigning illness, unusual physical dexterity or strength, possession of martial arts skills, etc. shall be explored. Any and all such information learned shall be documented by the transporting officer. A copy of the documentation shall be delivered to the accepting facility. The transporting officer shall verbally inform the accepting individual of the officer's knowledge of the arrested subject in addition to whatever written documentation is available.

453.6 DISPOSITION OF DOCUMENTATION RECEIVED FROM DETENTION FACILITIES

All paperwork received from a detention facility pertaining to the transfer of custody of an individual shall be delivered by the transporting officer to the facility accepting custody of the person. This procedure includes both adult and juvenile transfers.

453.7 PRISONER SEARCH

The transporting officer is responsible for the safety and custody of the prisoner being transported. All arrested individuals will be searched by the arresting officer(s), custodial officer(s), and transporting officer(s), for weapons and contraband, prior to being placed in a vehicle regardless if the vehicle is a New Orleans Police Department vehicle or not. The transporting officer should never assume that the prisoner was searched by another officer.

453.8 VEHICLE SEARCH/INSPECTION

Prior to the beginning of an officer's tour of duty, and each time a prisoner is transported, the patrol vehicle is to be examined by the transporting officer to ensure that no weapons or contraband are present. Officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or other objects; therefore, the vehicle is to be searched before and immediately following transportation. Items discovered in the search can then be linked to the prisoner in a timely matter.

All property or contraband seized from a transport vehicle is to be turned over to the New Orleans Police Department's Central Evidence and Property Section, as per current policy. Officers shall complete the necessary incident report.

At the beginning of each shift, the vehicle should be inspected to ensure that it is mechanically safe, free of damage or defect, and properly equipped for use.

453.9 TRANSPORTATION

In vehicles equipped with protective cages and deactivated rear doors, the prisoner shall be seated in the rear seat. If possible, the prisoner should be positioned on the right side so the prisoner can be under observation at all times. All prisoners being transported in a

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police vehicle shall be handcuffed and properly secured with a seat belt. (See exception to handcuffing in this policy.)

The following prisoners will only be transported by a two-person unit equipped with a protective cage when possible:

(a) Violent or hostile individuals;

(b) Suspects charged with violent crimes;

(c) Suspects with known records for assaulting officers and/or attempting escapes; and

(d) All individuals with known mental histories including commitments. Procedures listed do not apply where the Crisis Transportation Unit is involved in the transportation of a mental patient.

Suspects not fitting the above criteria and who fail to show any signs of impending hostility may be transported in a one-person unit with a cage.

Traffic suspects will not be transported with subjects charged with non traffic related crimes unless arrested from within the same vehicle and are known to each other.

Juveniles will not be transported with adult arrested subjects unless all are arrested as partners in the same crime.

Male and female prisoners will not be transported in the same vehicle unless they are partners in the same crime.

Prisoners showing hostility toward each other will not be transported in the same vehicle.

No more than three arrested subjects will be transported in one patrol vehicle at one time. Under no circumstances will arrested subjects be transported in the front seat of a vehicle.

Arresting/transporting officers shall request permission of their supervisory rank prior to transporting any arrested subject to a district station. Officers will not transport any arrested subject to any police district station except for the purpose of taking statements or debriefing by officers.

453.9.1 TRANSPORTATION TO A MEDICAL FACILITY

All arrested persons in need of medical attention will be transported to a medical facility from the arrest location. The officer's supervisor shall be notified immediately.

If it is necessary for the arrested individual to be transported by ambulance, after thoroughly searching the prisoner for weapons, a commissioned officer may:

- Ride unarmed in the rear of the ambulance with the arrested individual.
- Ride armed in the front seat of the ambulance.
- Follow the ambulance to the treatment facility if the arrested individual is adequately restrained as a prisoner.

453.9.2 USE OF PHYSICAL FORCE - MEDICAL TREATMENT

In all cases where an officer uses physical force while arresting someone, the officer shall make sure the prisoner receives appropriate medical treatment if the:

- Injury is obvious,
- Prisoner complains about an injury, or

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- The officer believes the prisoner was injured during the arrest.

In all cases where Oleo Capsicum resin (OC spray) or chemical irritants were used, the officer involved will make sure:

- The subject's face is flushed with water as soon as practical.
- No other medical aids (such as greases or creams) are placed on the contaminated area.

The officers shall advise the sprayed party any contaminated clothing should be removed to prevent further skin irritation.

In all cases where Oleo Capsicum resin or a chemical irritant is used, the injured party shall be transported to a medical facility for examination.

In all cases where an electronic control weapon (ECW) was deployed, the arrested subject shall be taken to the hospital for treatment. Arresting or transporting officers must obtain from the health care facility a medical treatment form for all arrested persons detailing if treatment is accepted or refused. The officer will deliver the medical treatment form to Central Lockup with the arrested person. A copy of the medical treatment form is also attached to the incident report.

All Officers using a Level 1 through 4 use of force, and officers observing a Level 2, 3 or 4 use of force shall write a Force Statement before the end of the shift, which shall be included in the Use of Force Report. The officers Force Statement shall include:

- A detailed account of the incident from the officer's perspective;
- The reason for the initial police presence;
- A specific description of the acts that led to the use of force;
- The level of resistance encountered; and
- A description of every type of force used.

Each supervisor shall complete and document a use of force supervisory investigation using a supervisor's Use of Force Report within 72 hours of learning of the use of force. Any extension to this 72 hour deadline must be authorized by a Division Commander. This report shall include:

- The supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the supervisor's independent review of the facts and circumstances of the incident;
- Documentation of all evidence that was gathered, including names, phones numbers, and addresses of witnesses to the incident. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why. The report should also include all available identify information for anyone who refuses to provide a statement;
- The names of all other department members witnessing the use of force;
- The investigating supervisor's evaluation of the use of force, based on the supervisor's review of the evidence gathered, including a determination of whether the officer's actions appear to be within department policy and consistent with state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options; and

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- Documentation of any non-disciplinary corrective action taken.

453.9.3 TRANSPORTATION - PHYSICALLY AND MENTALLY HANDICAPPED

Physically and mentally handicapped prisoners may require special care and attention. Officers should not place themselves in harm's way and use extreme caution while transporting handicapped prisoners.

453.9.4 TRANSPORTATION - OFFICER RESPONSIBILITIES

When transporting an arrested subject, the transporting officer shall:

(a) Inform the dispatcher of the beginning mileage and the intended destination;

(b) Proceed directly to the destination;

(c) Inform the dispatcher of any necessary detours or delays which occur; and

(d) Inform the dispatcher of the arrival mileage immediately upon arrival at the destination.

453.10 GUARD DETAILS

When a prisoner is transported to a medical care facility, extreme caution will be taken to ensure the prisoner is isolated from other patients and not left unattended by the transporting officer. If the prisoner is admitted, the transporting officer shall immediately notify his/her immediate supervisor and the on duty Communications Services platoon supervisor. The arresting officer is responsible for guarding the prisoner until relieved by his/her immediate supervisor or a replacement is sent by the supervisor.

Hospital guard details are the responsibility of the arresting officer's place of assignment until relieved or the prisoner is released by the attending physician. If the arresting officer's unit cannot provide adequate personnel for a twenty-four (24) hour guard detail, the officer's Commanding Officer shall request the on duty Communications Services platoon supervisor to notify the Bureau Chief who will determine if the unit is sufficiently staffed to man the detail, or if the detail should be assigned to another unit.

An officer involved in a shooting incident is officially excused from the guard detail.

453.10.1 GUARD DETAILS - OFFICER'S RESPONSIBILITIES

Officers assigned to guard a prisoner at a hospital or any location where a prisoner is taken for medical care will:

(a) Be E.C.W. certified.

(b) Notify the dispatcher when arriving at a medical facility, giving the dispatcher the name and room number where the prisoner will be brought or confined.

(c) Obtain a briefing from the officer being relieved about any information pertinent to the detail.

(d) Keep the prisoner restrained i.e. handcuffed and/or shackled; soft restraints are permitted.

(e) Instruct every person entering the prisoner's room to sign in and out (Appendix 1).

(f) Inventory all equipment brought in and out of the room where the prisoner is confined.

(g) Contact the dispatcher and his/her immediate supervisor each time the prisoner will be unrestrained. If radio communication is not possible, contact both by telephone.

(h) Sit or stand in a position allowing the officer to maintain visibility of the prisoner and the entrance to where the prisoner is confined.

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(i) Check the prisoner and the surrounding area where the prisoner is confined at the beginning of each tour of duty for items that can be used as weapons.

(j) Document on his/her daily activity sheet all procedures described in this chapter and any unusual activity involving the prisoner.

(k) Continue to monitor the police radio.

(l) Not fraternize with the prisoner.

(m) Not leave the prisoner without notifying his/her supervisor and requesting a replacement.

453.10.2 GUARD DETAIL - VISITATION

Officers assigned to a guard detail will not allow the prisoner to have visitors (e.g., family members, relatives, friends)

If a prisoner's attorney visits, he/she must show identification, and sign in and out (Form 182). The officer must notify his/her ranking officer before allowing the attorney to enter the room. The officer's supervisor must make arrangements to allow the attorney to meet with his client in a secured and private setting.

453.10.3 GUARD DETAIL - SUPERVISOR'S RESPONSIBILITIES

A supervisor shall:

(a) Rotate an officer every four hours. Circumstances may require an officer to exceed the four hour limit.

(b) Physically check the guard detail at least once during each assigned officer's tour of duty.

(c) Assign two officers for guard duty if the prisoner is considered violent because of his past history, mental state, or pending charges. A Bureau Chief may reduce the number of officers assigned after being briefed by the on-duty platoon commander.

(d) If manpower permits, supervisors will assign officers of the same sex as the prisoner to the guard detail.

453.10.4 GUARD DETAIL - PRISONER RELEASE/TRANSPORT

When released from treatment, all instructions for future medical care and medication should be obtained in writing and signed by the attending physician. Before transporting, the prisoner shall be searched and properly restrained.

453.11 TRANSPORTATION BY AIRCRAFT

The use of commercial air carriers for the extradition and transportation of prisoners will generally be the responsibility of the Orleans Parish District Attorney's Office. However, circumstances may arise where this duty falls on the New Orleans Police Department.

When transporting by air, two officers will accompany each prisoner.

The air carrier will be notified of the identities of the passengers to be transported at least one hour before the scheduled flight. Carriers may require a letter on Departmental letterhead authorizing the flight and signed by the Superintendent of Police. Officers will display their police identification and badge to the airline ticket agent or supervisor. The carrier's agent will be notified if the prisoner is an escape risk or has displayed a history of violent behavior.

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Before leaving the detaining jurisdiction, the senior officer shall contact the airport security office and arrange for a secure location to hold the prisoner during the time spent waiting for the flight. Officers will comply with all airport regulations regarding prisoner transportation. A search of the prisoner will be conducted prior to leaving the airport detention facility. After the search, the prisoner will not be left alone prior to boarding the aircraft.

Officers shall make every effort to cooperate with airline ticketing and boarding agents and security personnel at the passenger screening points. When cleared to board, the officers and prisoner shall:

(a) Identify themselves to pilot and flight crew.

(b) Board prior to other passengers and deplane after other passengers have departed.

(c) Be seated in the rear-most section of the aircraft; and be seated away from any lounge area and not next to or across from any normal or emergency exit.

At least one officer will be seated between the prisoner and the aisle.

The prisoner will be escorted and kept under surveillance when a visit to the lavatory is necessary.

While on board, officers shall remain anonymous insofar as their position as armed law enforcement officers. Extreme care will be taken not to display their firearms and alarm other passengers.

In the event of a hijacking, officers are to take no action unless requested to do so by the Captain of the aircraft and/or it is necessary to prevent death or great bodily harm.

453.12 FUGITIVE ARRESTS FROM SURROUNDING PARISHES

Prisoners who are wanted by the New Orleans Police Department and are being detained by authorities of Jefferson, St. Bernard, St. Tammany or Plaquemines Parishes will be picked up and transported upon verification by the NCIC Section. Upon receiving such a request, Communications Services will dispatch a district unit in accordance with the following:

(a) Second District units will be used for arrestees being held in Harahan, Louisiana.

(b) Third District units will be used for arrestees being held at the Jefferson Parish Eastbank Lockup or Kenner.

(c) Fourth District units will be used for arrestees being held in the Jefferson Parish Westbank Lockup and Plaquemines Parish.

(d) Fifth District units will be used for arrestees being held in St. Bernard Parish.

(e) Seventh District units will be used for arrestees being held in St. Tammany Parish.

(f) In the event no units are available in the responsible district, and it is not anticipated that one will be clear in a reasonable amount of time, the on-duty Platoon Commander of Communications Services will determine which unit is the closest available unit, and assign the transportation to that unit.

453.12.1 FUGITIVE ARRESTS FROM OTHER JURISDICTIONS

In those cases where it is necessary to pick up an arrested subject from any parish other than those listed above, the on-duty Platoon Commander from Communications Services will assign the Special Operations Division to transport both adult and juvenile fugitives

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453.13 VISUAL OBSERVATION

The primary duty of the transporting officer is the safe delivery of the prisoner in his or her care. In the event that the transporting officer should come upon a felony in progress or any life threatening situations, the officer's primary responsibility will be the welfare of his/her prisoner. Only when the risk to a third party is both clear and grave, and the risk to the prisoner is minimal, may the officer stop to render assistance. Officers are cautioned that diversionary incidents, whether or not instigated by persons attempting to free the prisoner, may divert the officer and place the prisoner in jeopardy or enhance the chances for escape.

453.14 PRISONER COMMUNICATION

To ensure the safety of both the transporting officer and prisoner, no communication will be allowed between the prisoner and any third party while the prisoner is in transit.

453.15 CENTRAL LOCK-UP PROCEDURE

Upon arrival at Central Lock-up, transporting officers will do the following:

(a) Secure their firearm in the trunk of vehicle;

(b) Escort the prisoner into the Lock-up receiving area;

(c) Deliver necessary booking paperwork and turn over custody of the prisoner to the designated receiving deputy; and

(d) Remove any restraining devices at the direction of receiving deputy.

453.16 ESCAPE OF PRISONER

Transporting officers are responsible for taking reasonable security measures to minimize the chances for a prisoner to escape from police custody. In the event an escape occurs, the following measures will be taken:

(a) Immediately notify the Police Dispatcher, broadcasting a description of the subject, direction of flight, and why the prisoner was detained or arrested;

(b) Notify immediate supervisor;

(c) Request additional police personnel to assist in a search for the fugitive;

(d) Prepare an incident report (responsibility of platoon supervisory personnel) and necessary warrant (responsibility of transporting officer); and

(e) Prepare and send a teletype bulletin.

453.16.1 ESCAPE OF PRISONERS WHILE IN ANOTHER JURISDICTION

If a prisoner escapes while in custody of a commissioned officer, and while within the boundaries of another jurisdiction, the transporting officer shall:

(a) Immediately notify the enforcement agency within the jurisdiction, supplying them with a description of the subject, direction of flight, why the prisoner was originally detained, and the facility from which the individual was obtained;

(b) Fully cooperate with the investigating agency, supplying them with any and all information requested, and obtaining the jurisdiction's item number of the offense;

(c) Notify his/her immediate supervisor;

(d) Prepare an incident report (responsibility of platoon supervisory personnel), signal 21 (miscellaneous incident), explaining the circumstances surrounding the escape; and

(e) The location of offense should be the assignment of the transporting officer, with the location of escape fully documented within the narrative portion of the report.

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A copy of the completed and approved Miscellaneous Incident Report shall be forwarded to the agency which was to accept custody of the detainee.

453.17 EXCEPTION TO HANDCUFFING OF ALL PRISONERS

When juveniles are detained purely for the status offenses of truancy or curfew violation, under normal circumstances, these offenders should not be handcuffed for transportation to the appropriate facility except:

(a) If the officer has reason to believe a truant or curfew violator has a violent criminal arrest record; or

(b) The offender has demonstrated violence in the presence of the officer.

The handcuffing exception shall not apply to any juvenile charged with other criminal behavior separately, or in conjunction with a status offense. All other procedures relating to transporting arrested subjects shall apply.

453.18 TRANSPORT EQUIPMENT

453.18.1 SAFETY BARRIERS

The New Orleans Police Department uses a marked four-door sedan as a primary transport vehicle. This vehicle is equipped with a poly/steel safety barrier which prevents the prisoner from having access to the driver's compartment of the vehicle.

In addition to the above safety barrier, patrol vehicles shall be modified in order to render the interior rear door handles and window controls inoperable. These modifications are necessary to minimize opportunities for exit without the aid of the transporting officer. Prisoners shall not be transported in a patrol vehicle that has not been modified as indicated in paragraph 1 and 2 without the expressed authorization of their supervisory officer.

453.18.2 UNUSUAL SITUATIONS / SPECIAL OPERATIONS

For certain occasions such as Mardi Gras, etc., vans, prisoner wagons, and buses may be utilized for the transportation of several prisoners to Central Lockup. Guidelines for their use are listed in this policy.

453.18.3 VANS / BUSES

Requirements for vans and busses for prisoner transport include:

(a) Vans and prisoner wagons used for the transport of prisoners must have seating area for all passengers.

(b) Seating capacity shall not be exceeded.

(c) Windows allowing access to the prisoner compartment must be rendered inoperable in a closed position.

(d) Doors accessing the prisoner compartment must be kept locked at all times while containing prisoners and may not be able to be unlocked from the inside.

(e) The seating area must be separate from the driver's compartment as to not allow physical contact between the prisoners and the driver.

(f) When transporting multiple prisoners, the guidelines of this policy relative to male/female prisoners, juveniles, violent individuals, etc. shall apply.

(g) Two officers must be assigned to each vehicle.

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(h) The detention vehicle shall not be left unattended at anytime.

(i) Prisoners shall not be detained in buses, vans, or prisoner wagons for extended periods of time where proper ventilation of the interior prisoner area cannot be maintained.

(j) A supervisor shall be responsible for any bus(s), van(s), or prisoner wagon(s) used at a stationary location for prisoner detention awaiting transport. Supervisors shall be aware of weather conditions which may expose detained prisoners to heat or cold for extended periods of time.

Supervisory personnel assigned to monitor conditions of detention vehicles shall check on the detention vehicles on a regular basis and take any corrective action, including transporting prisoners to a proper facility, deemed appropriate.

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Foot Pursuits

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

458.1.1 POLICY

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

458.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in a foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area

(b) Canine search

(c) Saturation of the area with patrol personnel

(d) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit when:

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(a) Directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) Pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspects should a confrontation occur.

(f) The physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Communications Services or with backup officers.

(h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

458.3.1 RESPONSIBILITIES IN FOOT PURSUITS

458.3.2 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit shall broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

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(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information shall terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Services of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

458.3.3 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

458.3.4 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

458.3.5 COMMUNICATIONS SERVICES RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, Communications Services personnel shall, as soon as practicable, notify the field supervisor and provide available information. Communications Services personnel are also responsible for the following:

(a) Clearing the radio channel of non-emergency traffic.

(b) Repeating the transmissions of the pursuing officer as needed.

(c) Ensuring that a Field Supervisor is notified of the pursuit.

(d) Relaying all pertinent information to responding personnel.

(e) Contacting additional resources as indicated.

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(f) Coordinating response of additional resources to assist with the foot pursuit.

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Automated License Plate Reader

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the [New Orleans Police Department] to convert data associated with vehicle license plates and use it for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the NOPD Information and Technology Section Commander. The Investigation and Support Bureau Property Crimes Commander will assign personnel under his/her command to administer the user end operation of the ALPR equipment and data.

462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(b) An ALPR shall only be used for official and legitimate law enforcement business.

(c) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas surrounding homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(e) If practicable, officers should verify an ALPR response through the National Crime Information Center (NCIC) before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access NCIC data unless authorized to do so.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the New Orleans Police Department. Because such data may contain confidential NCIC information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with other law enforcement officers, prosecutors or others only as permitted by law.

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The Information and Technology Section Commander is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days.

All ALPR data downloaded to the server should be stored for the 180 day period identified in the records retention policy. Thereafter, APLR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and logged into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The New Orleans Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Division Commander and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Uniformed Patrol: Platoon Structure, Assignments, AWP Days

470.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a general guideline for assigning officers to district platoon shifts, area assignments, and days off (AWP days).

470.1.1 DEFINITIONS

Definitions related to this policy include:

Area assignments (beats) - Areas of a police district, usually referred to as zones and sub-zones, having boundaries separated by street intersections, bodies of water, or other man made or natural boundaries, to which patrol units are responsible for routine patrol and responding to calls for service.

Days off - Those days when an officer is not scheduled to report for duty and is not utilizing any form of paid leave such as annual, sick, civil leave, etc.

District platoon shifts - Those normally reoccurring consecutive hours within a police district where uniformed officers, assigned to a platoon, are responsible for the delivery of services.

470.2 DISTRICT COMMANDER RESPONSIBILITIES

District commanders, with approval of the Deputy Superintendent of the Field Operations Bureau, are responsible for establishing a platoon system where patrol officers and supervisory personnel are normally assigned consecutive hours each day for the delivery of police services to the community.

District commanders, unless otherwise instructed by the Deputy Superintendent of the Field Operation Bureau, shall establish a platoon system where officers assigned to patrol duties work 8 hours and 35 minutes each day.

470.2.1 PLATOON ASSIGNMENTS

Platoon assignment of personnel shall be at the discretion of the district commander. Assignments shall be made on an impartial basis. However, individuals possessing special expertise or instruction in policing techniques may be utilized in areas, which maximize the benefit to the Department.

A week shall begin on a Sunday and conclude on Saturday. However, the individual days of the week in which platoon personnel are off duty may change each week. District commanders shall ensure a single method of AWP scheduling is implemented between all platoons and followed consistently.

Unless otherwise approved by the Deputy Superintendent of the Field Operations Bureau, platoons shall not normally rotate their shift assignments (working hours).

The allocation of personnel within a platoon will ensure at least one marked police unit, assigned to patrol duties, is responsible for a particular portion of the district, ensuring police protection and patrol to the entire district.

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(a) Areas of responsibility for individual patrol units may have to be modified on a day to day basis to accommodate manpower and resource limitations.

(b) During roll call, platoon supervisors shall inform patrol officers of any modification to their normal area of responsibility, including, but not limited to zone changes, etc.

Nothing in this regulation shall prevent the modification of working days, working hours, or scheduling modifications to address special events or circumstances (example: Mardi Gras, Super Bowl, natural or man-made disasters, visiting dignitaries, etc.).

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Duties and Responsibilities of District Commanders, Supervisory Personnel and Patrol Officers

471.1 PURPOSE AND SCOPE

The purpose of this policy is to set general duties and responsibilities for all commissioned personnel assigned to and responsible for the supervision of district patrol functions. Through this standard a uniformed set of instructions will govern the general operation of all police districts allowing the orderly transfer of patrol officers and supervisors from one assignment to another with minimal acclimation needed with regard to the general duties of their new assignment.

471.1.1 DEFINITIONS

Definitions related to this policy include:

District commander - A commissioned police officer, holding the rank of Commander or above, charged with the duties and responsibilities of providing for uniformed police coverage and the answering of calls for service within a specific geographical area of the City of New Orleans.

Acting district commander - A commissioned police officer, holding the grade of Lieutenant or above, who will perform the duties and accept the responsibilities of the District Commander in his/her absence.

District supervisory personnel - Commissioned police officers, holding the grade of Sergeant or above, whose primary responsibility is the supervision of subordinate personnel assigned to their platoon or unit.

District patrol officers - Commissioned police officers, holding the grade of Field Recruit, Police Officer I through IV, whose primary responsibility is the answering of calls for service received within a geographic area, proactive patrol within their area of responsibility, the enforcement of local, state, and federal laws, the protection of life and property, and those duties deemed appropriate by their supervisors.

Immediate chain of command - The ascending chain of supervision, beginning at the rank of Sergeant and ending with the District Commander, within an employee's immediate assignment.

Major crime scene - A major crime scene is a location where any of the below listed major crimes took place (or another location where evidence of those crimes may be found), and compromises the area from which most of the physical evidence is retrieved by law enforcement personnel, crime scene investigators or in rare instances, forensic scientists. A major crime consists of the following major crimes:

- Homicide
- Suicide
- Unclassified death
- Aggravated battery (with serious injury, possibly fatal)

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- Police involved shooting
- Rape
- Aggravated kidnapping
- Arson (with serious injury, possibly fatal)

471.2 GENERAL INFORMATION

Patrol officers are answerable to their platoon sergeant(s), then their platoon lieutenant, then their district commander or the acting district commander.

Platoon sergeants are answerable to their platoon lieutenant, then their district commander or acting district commander.

Platoon lieutenants are answerable to the district commander or acting district commander.

Acting district commanders shall answer directly to the District Commander, or in his/her prolonged absence, the Deputy Superintendent of the Field Operations Bureau.

District Commanders shall answer directly to the Deputy Superintendent of the Field Operations Bureau.

All employees of the New Orleans Police Department shall be answerable to only one supervisor at a time.

471.3 INSTRUCTIONS

471.3.1 DISTRICT COMMANDER

The District Commander shall be responsible for providing police service within their district, including supervision and discipline of personnel, deployment of manpower according to workload, response to requests for information or assistance from individuals or groups, and compliance with administrative procedures and instructions. They shall be held accountable for all matters requiring or involving law enforcement action within their district.

District Commanders shall advise the Deputy Superintendent of the Field Operations Bureau of any unusual activity or circumstance within their district which may affect the operations or effectiveness of the Police Department or the safety or integrity of its members.

District Commanders have custodial responsibility for all equipment, supplies, and facilities assigned to or used by their command.

When a District Commander will be unavailable for an extended period of time, they shall, with the approval of the Deputy Superintendent of the Field Operations Bureau, appoint a ranking officer of his/her command to assume the duties and responsibilities of District Commander.

District Commanders shall advise their platoon commanders, and other supervisory personnel within their span of control, of any new information, including recent court decisions and administrative changes which affect the operation of the Department.

District Commanders may delegate certain administrative and supervisory responsibilities to subordinate personnel. However, the District Commander shall be personally responsible

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for monitoring his/her performance of the subordinates and is ultimately responsible for the completion of their duties.

Commanders shall ensure consistent supervision for their officers when their assigned supervisor is on extended leave, and shall reassign officers to a new permanent supervisor when the currently assigned supervisor has been or is expected to be absent for an extended period of over six weeks.

471.3.2 DISTRICT SUPERVISORY PERSONNEL

District Supervisory Personnel shall be responsible for performing any of the duties which are specifically delegated to them by the District Commander or their designee.

District Supervisory Personnel shall advise the District Commander, or his designee, of any unusual activity or circumstances within the District which may affect the operations or effectiveness of the Department or the safety or integrity of its members, or any situation which affects the functioning of the District or its personnel.

District Supervisory Personnel shall ensure that all subordinate personnel abide by the rules, policies and procedures of the Department.

District Supervisory Personnel shall supervise and control all work tasks assigned to or initiated by District personnel under their supervision. District Supervisory Personnel are ultimately responsible for the completion of work tasks performed by subordinate personnel under their supervision.

District Supervisory Personnel shall be responsible for the continued training and evaluation of District personnel under their supervision.

District Supervisory Personnel shall be responsible for ensuring all payroll information is accurately and timely recorded and all required administrative and criminal reports are completed in approved form and timely submitted.

District Supervisory Personnel shall ensure all disciplinary investigations of personnel under their supervision are conducted as per current policy and procedure if assigned by PIB to investigate.

District Supervisory Personnel shall familiarize themselves with the Employee Assistance Program. Officers who show unusual signs of stress or inappropriate behavior should be brought to the attention of the District Commander.

District Supervisory Personnel may delegate appropriate duties and responsibilities to subordinate personnel, however, they shall be personally responsible for monitoring the performance of their subordinates and are ultimate responsible for the completion of the assigned duties.

District Supervisory Personnel shall abide by those regulations issued by the Deputy Superintendent of the Field Operations Bureau relative to the completion of Daily Activity Sheets.

District Supervisory Personnel shall respond to all major crime scenes.

Supervisors shall respond to the scene of certain arrests; review each arrest report; respond to the scene of uses of force; investigate each use of force (except those investigated by Force Investigation Team); review the accuracy and completeness of officers' Daily Activity

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Reports; respond to each complaint of misconduct; ensure that officers are working actively to engage the community and increase public trust and safety; and provide counseling, redirection and support to officers as needed. Supervisors shall be held accountable for performing each of these duties.

All Field Operations Bureau District officers (including patrol, task force, district investigative, and narcotics units) shall be assigned to a single, consistent and clearly-defined supervisor.

Task force and narcotics supervisors shall actually work the same days and hours as the officers they are assigned to supervise absent unusual circumstance or when the supervisor is on vacation, in training, or ill. Investigative unit supervisors shall work generally the same days and hours as the officers they are assigned to supervise, taking into account that shift differences will not permit complete supervisory overlap.

District Platoon Patrol supervisors shall be assigned to the same platoon as the officers they supervise and shall actually work the same days and hours as the officers of that platoon absent unusual circumstances or when the supervisor is on vacation, training or ill.

First-line patrol supervisors shall be assigned to supervise no more than eight officers. On duty patrol supervisors shall be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other units.

District commanders and platoon lieutenants shall be responsible for the close and effective supervision of officers under their command. All commanders and platoon lieutenants shall ensure that all subordinates under their direct command comply with NOPD policy, state and federal law.

Commanders and supervisors will be held directly accountable for the quality and effectiveness of their supervision, including whether commanders and supervisors identify and effectively respond to misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process, as appropriate.

471.3.3 DISTRICT PATROL OFFICERS - REPORT

District Patrol Officers assigned to investigate calls for service shall conduct initial investigations and submit initial reports (including a complete narrative) on those calls which require a police report by an Operations Bureau district unit, regardless of the original incident location.

(a) The only exception to the above shall be in those cases received from area hospitals where the location of the incident is known and the victim /complainant is seeking treatment at the hospital. These calls shall be dispatched to a unit from the District of occurrence.

(b) When a call is received from an area hospital where the victim / complainant is seeking treatment and the location of the incident is unknown at the time of dispatch, an area unit will be sent to the hospital in an attempt to determine the location of the occurrence.

(c) If the location of the incident is found to be located within another District, it shall be the on-scene unit's responsibility to notify the Communications Division of the correct location of the incident. A unit from the District of occurrence shall be dispatched to the hospital to complete the incident report.

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(d) In the event the assigned unit cannot determine the location of the incident, it shall be his/her responsibility to complete the incident report to the best of his/her ability.

If the incident location is in another Field Operations Bureau District, the assigned unit shall complete the initial report and determine if there is a need for immediate follow-up investigation in a district other than the assigned unit's. In the event follow-up investigation is required, the investigating officer shall refer the matter to their immediate supervisor for instructions and assistance. The supervisor shall coordinate this investigation through contact with supervisors and officers from other Field Operations Bureau Districts.

District Patrol Officers shall inform the dispatcher of the correct location of occurrence for all incidents to which they are assigned if different from the location where dispatched.

The actual assigning of a call to another unit for follow-up shall be coordinated by the supervisory officers involved. It is incumbent on the ranking officer from the district of occurrence to ensure the follow-up investigation is handled to its conclusion.

Reports handled by district patrol officers where the location of the incident occurred in another Field Operations Bureau district shall be forwarded to the District where the incident occurred within seventy-two hours.

District Patrol Officers assigned to station duty (Desk Officer) shall be responsible for handling all complaints appearing at the District Station in need of a written report, when such report does not require an on-scene investigation. The Desk Officer shall complete a Daily Activity Report, noting all activity complete during his/her tour of duty.

471.3.4 DISTRICT PATROL OFFICERS - GENERAL

District Patrol Officers assigned to handle calls for service shall complete a Daily Activity Sheet for each tour of duty. The Daily Activity Sheet shall be continually updated during their entire tour of duty. Under no circumstances shall Daily Activity Sheets be kept on scratch paper or in any other fashion for completion at a later time.

(a) The Daily Activity Sheet shall include all calls for service, business checks, pedestrian checks, vehicle checks, lunch breaks, coffee breaks, use of restroom facilities and all other activity the officer performs during his tour of duty.

(b) Any time an NOPD form is given to a citizen as part of any investigation, a notation shall be made in the Disposition column of the Daily Activity Sheet on the appropriate line indicating which form(s) were distributed.

Police Officers assigned to administrative duties may be exempt from completing Daily Activity Sheets with permission of the District Commander.

District Patrol Officers' duties shall also include those duties and assignments issued them by their immediate supervisors. They shall also include those instructions given to them by individuals in command of on scene investigations to which the officer has been assigned or involved.

471.4 AUTHORITY OF THE FIELD OPERATIONS DEPUTY SUPERINTENDENT, THE SUPERINTENDENT OF POLICE OR THEIR DESIGNATED REPRESENTATIVE

Nothing contained in this policy shall limit the authority of the Superintendent of Police, the Deputy Superintendent of the Field Operations Bureau, or his/her designated representative to assign units to handle a particular incident.

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Damage to Public Property

472.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines for the documentation of damage to public property not in the immediate control of the New Orleans Police Department.

472.1.1 DEFINITIONS

Definitions related to this policy include:

Public property - Any item owned by, or in the immediate control of, a governmental agency, to include city, state, or federal governing bodies or any subdivision thereof. For the purpose of this regulation, the term property will also include any database or artificial mechanical intelligence where records are stored or generated, including the computer programming causing the mechanism to function properly.

472.2 INSTRUCTIONS/DOCUMENTATION

All calls for service being investigated by the New Orleans Police Department, where it has been determined property within the control of a governmental agency has been damaged, either through accident or criminal intent, shall be documented using an NOPD Incident Report or Motor Vehicle Crash Report.

The governmental authority and agency in immediate control of the property shall be listed as the victim/owner within the report. Example: State of Louisiana, Department of Public Welfare, City of New Orleans, Streets Department.

The damaged property will be completely described, including the color, model, make, serial numbers, property tag numbers, or any other alpha/numeric identifiers utilized for identification purposes.

Should the damaged property not include alpha/numeric identifiers, the description shall be as complete as possible. Example: A building on publically owned property not bearing a municipal address should be described as follows:

A one story brick building color red within the boundaries of City Park visible from the intersection of Marconi and Harrison Ave.

Damage to the property shall be specifically outlined to include any obviously missing components or materials.

A copy of the approved report shall be forwarded to the appropriate governmental agency responsible for the property.

If the damaged property is in control of the City of New Orleans, an additional copy of the report shall be forwarded to the City Attorney's Office.

472.3 NOTIFICATIONS

The investigating officer shall notify the governmental agency responsible for the damaged property during the course of the investigation. The notification shall be documented within the report to include the name of the individual notified.

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472.3.1 CRIME LAB

Nothing in this policy shall prevent an officer from notifying Crime Lab to photograph and process the scene in instances of criminal intent for furthering prosecution, or in instances of excessive damage.

472.4 SECURING DAMAGED PROPERTY

Investigating officers will take all reasonable steps to secure the property from further damage during the course of the investigation. If the property is taken as property or evidence, it shall be turned over to the Central Evidence and Property Division.

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Calls for Service on School Property

473.1 PURPOSE AND SCOPE

This policy establishes guidelines for officers responding to a call for service and/or conducting an investigation on school property.

473.1.1 DEFINITIONS

Child - A person under eighteen years of age who, prior to juvenile proceedings, has not been judicially emancipated.

Crime against the child - shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes (Ch. C. Art. 603 (10)):

- Homicide
- Battery
- Assault
- Rape
- Sexual battery
- Kidnapping
- Criminal neglect
- Criminal abandonment
- Incest
- Carnal knowledge of a juvenile
- Indecent behavior with juveniles
- Pornography involving juveniles
- Molestation of a juvenile
- Crime against nature
- Cruelty to juveniles
- Contributing to the delinquency or dependency of children
- Sale of minor children
- Human trafficking
- Trafficking of children for sexual purposes

Mandatory reporter - A mandatory reporter is any of the following (Ch. C. Art. 603):

(a) "Health practitioner" is any individual who provides health care services, including a physician, surgeon, physical therapist, dentist, resident, intern, hospital staff member, podiatrist, chiropractor, licensed nurse, nursing aide, dental hygienist, any emergency medical technician, a paramedic, optometrist, medical examiner, or coroner, who diagnoses, examines, or treats a child or his family.

(b) "Mental health/social service practitioner" is any individual who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the

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clergy, aide, or other individual who provides counseling services to a child or his family.

(c) "Member of the clergy" is any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization, except that he is not required to report a confidential communication, as defined in Code of Evidence Article 511, from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, he shall encourage that person to report the allegations to the appropriate authorities in accordance with Article 610.

(d) "Teaching or child care provider" is any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, bus driver, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child in a voluntary or professional capacity.

(e) Police officers or law enforcement officials.

(f) "Commercial film and photographic print processor" is any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides for compensation.

(g) Mediators appointed pursuant to Chapter 6 of Title IV.

(h) A parenting coordinator appointed pursuant to La. R.S. 9:358.1 et seq.

(i) A court-appointed special advocates (CASA) volunteer under the supervision of a CASA program appointed pursuant to Chapter 4 of Title IV.

(j) "Organizational or youth activity provider" is any person who provides organized activities for children, including administrators, employees, or volunteers of any day camp, summer camp, youth center, or youth recreation programs or any other organization that provides organized activities for children.

(k) School coaches, including but not limited to public technical or vocational school, community college, college, or university coaches and coaches of intramural or interscholastic athletics.

Mandatory and permitted reporting - Notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death shall report in accordance with Article 610. Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution authorized by La. R.S. 14:403(A) (1). With respect to permitted reporters, any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect, including a judge of any court of this state, may report in accordance with Ch. C. Art 610. The filing of a report, known to be false, may subject the offender to criminal prosecution authorized by La. R.S. 14:403(A) (3) (Ch. C. Art. 609).

Louisiana Revised Statute 14:403 A.(1)(a) Abuse of children; reports; waiver of privilege - Any person who, pursuant to Ch. C. Art. 609(A), is required to report the abuse

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or neglect of a child and knowingly and willfully fails to so report shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

473.2 GENERAL INFORMATION

During normal school hours, the School Resource Officer (SRO) will investigate all calls for service at the school where he/she is assigned. The SRO will complete an incident report, if required, and notify the principal or assistant principal about the incident.

If a SRO is not on duty or unavailable, a district unit shall be dispatched to respond to a call for service and if required, investigate and complete an incident report. A copy of the incident report will be sent to the SRO.

473.3 OFFICER'S RESPONSIBILITIES

An officer responding to a complaint on school property shall:

- Enter the school grounds and conduct his/her self in a professional manner.
- Avoid unnecessary disruption of a student's normal school routine.
- Notify the school's principal or an assistant principal of his/her presence, and the nature of the call for service.
- Seek the school official's cooperation.
- Notify the on duty SRO.

Although cooperation between an investigating officer and school officials is expected, nothing in this policy prevents an officer from using his/her discretion to take appropriate police action to protect life and property.

A complaint by a faculty member alleging improper use of force by a school employee or student shall be documented in an incident report. The investigating officer will:

- Request his/her supervisor to meet him/her and the complainant.
- Notify the appropriate school official.
- Inform the school official, alleged victim, and alleged perpetrator a copy of the incident report will be available through the Record Room and provide each with the report item number, officer's name, and address where to obtain the incident report.
- Take appropriate law enforcement action.

473.3.1 OFFICER'S RESPONSIBILITIES RELATIVE TO USE OF FORCE ON A CHILD

An officer investigating a complaint by a student alleging improper use of force by a school employee shall notify the on duty platoon commander of the Child Abuse Unit if the child is a person under 18 years old as defined in Ch. C. Art. 603 (5). A member of the Child Abuse Unit shall assume the investigation. The initial responding officer shall remain at the scene and assist the child abuse detective(s) as needed.

Mandatory reporters are required to report child abuse or suspected child abuse directly and immediately to either the local child protection unit of the Louisiana Department of Social Services or to a local or state law enforcement agency, depending on the relationship of the suspected abuser to the child. For purposes of this policy, if the suspected abuser is not the child's care taker, or romantically involved with the child's care taker, and does not live in the same residence with the child's caretaker as a spouse, then the suspected child abuser shall be immediately reported to a local or state law enforcement agency.

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School Resource Officer Program

474.1 PURPOSE AND SCOPE

The New Orleans Police Department acknowledges the mission of assisting the Orleans Parish Public School System in providing a safe learning environment for our youth. The School Resource Officer (SRO) Program of the New Orleans Police Department has been developed to help school officials cope with the growing incidence of school violence, and to assist in creating in our public schools a safe and conducive learning environment. The NOPD SRO Program is to work in conjunction with the Orleans Parish School System Security Counselor Corps. School Resource Officers provide public schools a direct link to local law enforcement agencies. Further, the combined effort of law enforcement officers, school security counselors, and school administrators has proven to be a successful triad in many school districts.

474.2 SRO RESPONSIBILITIES

SRO personnel will become team members of the District Neighborhood Policing Team (NPT).

SRO-NPT initiatives will be reviewed by the District Commander during weekly District COMSTAT meetings, as well as during the weekly Superintendent's COMSTAT meeting.

The SRO will collaborate with the New Orleans Public School Information Office.

The SRO is not a school disciplinarian. The SRO is a law enforcement officer, educator and counselor.

The long-standing COMSTAT accountability system (at the District and Department levels) will ensure uniformity in the application and delivery of SRO activities throughout the City.

The SRO is first and foremost a law enforcement officer with the primary mission of keeping order on campus (ensuring a safe and peaceful environment in and around the school), with the legal authority to take enforcement action(s), including making arrests if required.

The SRO is an educator, and a resource to teachers in the areas of law enforcement that have classroom application (e.g., student safety, crime prevention, criminal laws, drug laws, municipal ordinances, traffic ordinances, gun safety and, consequences of violation of law).

The SRO can and does play the role of counselor, serving as a channel of intervention. The SRO will assist with problems such as drug abuse, and child abuse, and assist students in finding school and community resources their families. The SRO will be available to confer with students, parents, and staff regarding law enforcement related issues or problems. Ultimately, the SRO must reflect a positive role model for students and parents.

474.3 SELECTION AND TRAINING

A School Resource Officer shall be a sworn POST certified police officer. SRO personnel Shall be at least a Police Officer I with permanent status, with a total of two years of experience within that classification after the Field Training Program.

The SRO should be capable of conducting in depth criminal investigations, and be proficient in written and oral communication skills. The SRO should possess an ability to function

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effectively in public forums, possess positive interpersonal skills, and have a high degree of moral conduct in order to convey a positive role model for students and parents.

Each SRO officer shall successfully complete the appropriate training curriculum designed by the NOPD Education & Training Division for the School Resource Officer Program. An emphasis in training shall be placed on conflict resolution/verbal judo and laws affecting juveniles.

474.4 NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICER

The following duties were compiled from the National Association of School Recourse Officer. The SRO will be responsible for the following:

(a) Abide by New Orleans Public School policies and will consult with and coordinate activities through the respective school principals;

(b) Develop proficiency in presenting various criminal justice subjects; role and mission of law enforcement and overview of the judiciary process including probation and parole;

(c) Encourage individual and small group discussion about criminal justice related matters with students, faculty and parents;

(d) Be available for conferences with students, faculty and parents to assist with problems of a law enforcement or crime prevention nature;

(e) Attend PTA meetings and faculty meetings to elicit support and create a comprehensive understanding and awareness of the role and responsibilities of the SRO program; collaborate with their school social workers to refer students and their families, when applicable, to social service intervention programs;

(f) Assist school administrative personnel in developing strategies and initiatives to impact potentially adverse situations involving students, faculty and citizens both on and off campus;

(g) Conduct thorough investigations on all allegations and/or incidents of criminal wrongdoing, filing all reports required by the New Orleans Police Department, and taking the appropriate law enforcement actions;

(h) Shall meet as a group (SRO's) once a month to exchange information, strategies and techniques involving difficult students and student related problems;

(i) Assist District Commanders with patrol strategies targeting truancy;

(j) Shall attend District Comstat meetings;

(k) Shall collaborate with school administration and school social workers to address excessive truancy and absences through the enforcement of applicable state laws and municipal ordinances;

(l) Shall immediately inform the school principal regarding any law enforcement action taken involving incidents occurring on campus and/or involving students and/or faculty except in instances under which immediate notification would compromise the integrity of the investigation;

(m) In incidents where immediate notification would compromise the integrity of the investigation, the SRO shall inform the school principal immediately thereafter or when notification would no longer compromise the investigation;

(n) Shall cooperate with, and provide assistance to other police officers and law enforcement agencies regarding incidents involving students and/or faculty;

(o) Shall participate in or attend (as available) school sponsored student related activities whenever possible. e.g., athletic events, school dances, etc.; and

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(p) Shall establish and maintain liaison with School Security Counselor personnel assigned to their school. The SRO position is intended to supplement the current and future school security system; therefore, a close working relationship between these two agents is critical to the overall goal of making schools a safer place.

SRO's shall be responsible for abiding by the NOPD rules, policies and procedures.

474.5 SRO UNIFORM

Each SRO shall be attired in the regulation Class A or Class B uniform.

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Homeless / Homeless Shelters

475.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all criminal laws and municipal ordinances are enforced equally across all levels of economic status and mental capacity. It is the policy of the New Orleans Police Department not to pursue charges against individuals based solely on their economic or mental status capacity. Those individuals commonly referred to as homeless enjoy all rights and privileges commonly exercised and enjoyed by individuals occupying higher socioeconomic positions, or of greater mental capacity.

The New Orleans Police Department shall protect the Constitutional Rights of all individuals regardless of their social status.

475.2 POLICY

Violations affecting the public health and safety of individuals shall be enforced. Actions such as public exposure, urinating, or defecating in public shall be enforced, subject to current municipal court guidelines. Intoxicated individuals, and those under the influence of drugs, shall be processed as per current departmental policy.

Violations committed by all individuals where a complainant is present and willing to act as a witness in court shall be enforced subject to current municipal court guidelines.

Actions (non criminal) committed by individuals, which lead the officer to question the mental state of the individual, and to reasonably believe the individual is a danger to himself or others, shall be processed in accordance with the department's policies regarding mentally disturbed individuals.

Officers encountering individuals, who may or may not be mentally deficient, whose appearance and/or actions indicate the individual is unable to care for himself/herself, but who does not appear to be a danger to themselves or others shall have the responsibility of contacting one of the social services agencies listed in this policy for assistance. If the Mobile Crisis Transportation Units (MTCU) are available, they will assist in transporting individuals.

Officers may transport these individuals to the nearest shelter caring for these individuals. If a homeless individual refuses an officer's offer of assistance, the officer may not force the individual to enter the shelter, subject to the provisions of the policy governing mentally disturbed individuals.

When the city initiates a freeze alert or an inclement weather alert, officers encountering homeless individuals shall inform the individual of the location of the nearest shelter(s). If the individual is unable to get to shelter, officers may transport the person if workload permits.

475.3 HOMELESS ASSISTANCE UNIT

The NOPD Homeless Assistance Unit provides police officers as well as the community at large with a resource to address homeless issues in any of the 8 police districts in New Orleans. The Unit responds to calls to assist homeless individuals by providing:

(a) Information regarding available services to solve immediate as well as long-term needs and

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(b) Transportation to those services when appropriate.

The Homeless Assistance Unit collaborates with City agencies and various homeless service providers on a regular basis to assist with programs targeted to address the homeless population on a larger group level. Two important weekly commitments are the birth certificate and state ID programs. Also significant are the collaborations when the City calls for the Freeze Plan and the Hurricane Shelter-in-place and Evacuation Plans.

475.4 EMERGENCY SHELTERS, DAY PROGRAMS ANDOUTREACH PROGRAMS FOR THE HOMELESS

Below are the emergency shelters, day programs and outreach programs presently available in New Orleans for homeless persons:

ACC - Crescent House (**Confidential Location**) (504) 865-0057, 866-7481 FAX (504) 865-0050 Capacity - 47 *Serving - unaccompanied women, single parent families - domestic violence victims free of substance abuse.*	**Baronne Street Housin**g 2407 Baronne Street (504) 269-9311 Fax (504) 269-4986 Capacity - 48 *Serving - families with children, working at least 30 hours a week (unless disabled)*	**Bridge House Corporation** 1160 Camp Street (504) 522-4475 or 522-2124 ext. 14 Fax (504) 522-0342 Capacity - 75 *Serving - unaccompanied men and women (substance abusers), 18 and above - homeless welcomed.*
Community Christian Concern (Scattered Sites) (504) 245-3689 Fax (504) 241-2486 Capacity - 12 *Serving - homeless families with children*	**Covenant House** 611 North Rampart (504) 584-1111 Fax (504) 584-1171 Capacity - 60 *Serving - homeless youths ages 16-21 and their children*	**Grace House of New Orleans** 1401 Delachaise Street (504) 899-2423 Fax (504) 899-0041 Capacity - 25 *Serving - women ages 18 or older with an alcohol or drug problem*
Home Again/Victory Plaza (**Confidential Location**) (504) 362-7583 Fax (504) 362-3490 Capacity - 23 *Serving - unaccompanied adults and single parent families who are HIV/AIDS infected*	**Hope House Transitional Housing** (Scattered Sites) (504) 522-4235 Fax (504) 325-0011 Capacity - 42 *Serving - single and two parent families - deemed capable to become self reliant within a 3 month period*	Lindy's Place 2407 Baronne Street (504) 269-0184 Fax (504) 269-1383 Capacity - 17 *Serving - homeless unaccompanied women drug and alcohol free minimum 6 months*

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Living Witness Community Social Services **(Confidential Location)** (504) 524-2959 Fax (504) 524-6365 Capacity - 20 *Serving - unaccompanied male substance abusers*	**New Orleans Mission** 1130 Oretha C. Haley Blvd./1129 Baronne St. (504) 523-2116 Fax (504) 529-3094 Capacity - 100 *Serving - unaccompanied adults*	**Odyssey House Family Center** 1125 North Tonti Street (504) 821-9211 ext 41 Fax (504) 821-0500 Capacity - 61 *Serving - substance Dependent women and their dependent children, unaccompanied men*
Ozanam Inn 843 Camp St (504) 523-1184 Fax (504) 523-1187 Capacity - 96 *Serving - unaccompanied homeless men*	**Project Lazarus** **(Confidential Location)** (504) 949-3609 Fax (504) 944-7944 Capacity - 24 *Serving - men and women with AIDS*	**The Salvation Army Center of Hope/Men's Shelter** 4500 South Claiborne Avenue (504) 899-2332 Fax (504) 891-1444 Capacity - 121 *Serving - unaccompanied homeless men*
The Salvation Army Center of Hope/Women's Lodge 4500 South Claiborne Avenue (504) 895-6727 Fax (504) 891-1444 Capacity - 93 *Serving - unaccompanied women, women and their children, single parent families*	**The Salvation Army Transitional Family Housing** 4500 South Claiborne Avenue (504) 899-4569 x3015 Fax (504) 899-5265 Capacity - 60 *Serving - single & two parent families*	**The House of Ruth** 1111 Newton Street (504) 784-1162 Capacity - 18 *Serving - elderly and persons with disabilities*
YWCA Battered Women's Program Transitional House (**Confidential Location**) (504) 482-9922 Capacity 12 *Serving - battered women with children*		

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Notifications

476.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for first responder notifications in emergency situations.

476.2 GENERAL

The first responsibility of officers upon arrival at any scene is to protect the life and safety of citizens.

If, upon arrival, officers find an individual that is in need of immediate medical attention or requests medical attention, he/she should notify his/her talk group dispatcher immediately. The talk group dispatcher has the responsibility of notifying EMS and/or NOFD, as appropriate.

If, upon arrival, officers find a hazard which needs attention of the fire department, the officer shall notify his/her talk group dispatcher immediately. The talk group dispatcher shall notify the NOFD dispatcher of the need for NOFD services.

If, upon arrival, officers discover a hazard or problem relating to streets or highways, the officer shall notify the talk group dispatcher. The talk group dispatcher shall be responsible for ensuring that the appropriate agency be notified.

If officers discover a hazard or problem relating to public utilities, i.e., downed power lines, the officer shall notify the talk group dispatcher. The talk group dispatcher shall have the responsibility to ensure that the appropriate agency be notified.

In cases where the news media responds to scenes, officers shall follow the News Media Relations Policy.

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Juveniles

490.1 PURPOSE

The purpose of this policy is to establish guidelines for incidents where police officers are handling situations involving juveniles. These situations include juveniles as victims or suspects, ill or injured juveniles, detention hearings relative to juvenile cases, situations where individuals who are adult offenders attempt to escape the jurisdiction of the criminal court by posing as juvenile offenders, and those arrested juvenile offenders attempting to escape the jurisdiction of the juvenile court by posing as adult offenders.

490.1.1 DEFINITIONS

Definitions related to this policy include:

Status offense - Those delinquent acts applicable only to juveniles (e.g., Runaway, Truancy).

Incarcerated juvenile offender - Any arrested juvenile being detained after the initial investigation and processing, who has not been released to the custody of a parent or guardian, pending further Juvenile Court action.

Detention hearing - A legal proceeding held in a section of Juvenile Court, presided over by a Juvenile Court Judge, where testimony pertaining to probable cause is given by an arresting officer or officer obtaining an arrest warrant for an arrested juvenile offender, where a determination will be made to release the incarcerated juvenile to the custody of his/her parent or guardian, or continue incarceration pending further action by the Juvenile Court.

490.2 JUVENILES AS VICTIMS

490.2.1 RUNAWAY / MISSING CLASSIFICATION

The district where a missing juvenile is reported shall be responsible for the investigation of all such cases. The district platoon supervisor shall be consulted on all cases of missing juveniles and shall be responsible for classification of the juvenile as missing, lost, or runaway. The Juvenile Intake platoon commander will be available for assistance, if requested.

490.2.2 RUNAWAY JUVENILES

Generally, a juvenile shall be presumed to be runaway if:

(a) The individual is under the age of 18;

(b) The juvenile has a prior history as a habitual runaway;

(c) There is evidence of a planned or intentional departure; and/or

(d) Information provided by the parent/guardian is sufficient to determine the juvenile has left on his/her own accord, and is not the victim of foul play.

When a juvenile has been classified as a runaway, the initial investigation, report and bulletin shall be the responsibility of the district officer. On the narrative page of the incident report, the investigating officer shall have the reporting person print his/her name and affix his/her signature to indicate he/she is reporting the juvenile missing.

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If a person refuses to sign, the officer shall note that fact in the narrative and process the report.

Bulletins shall include pertinent information, including the name, address and telephone number of a parent or guardian. NCIC shall enter the runaway information into Motion/NCIC upon receipt of the bulletin.

Investigating officer shall send a teletype bulletin on return of missing or runaway juvenile who are delivered to the Juvenile Intake Unit for processing.

Officers encountering juveniles during their course of duty, where it has been strongly suspected that the juvenile is a runaway shall make every effort to verify their suspicion. Once it is determined the juvenile is in fact a runaway the investigating officer shall make every effort to notify a parent or guardian. If the parent or guardian is unable to be located, the investigating officer shall transport the juvenile to the Juvenile Intake Unit.

When the evidence fails to substantiate that a juvenile has run away, the absent juvenile shall be classified as a missing person. When a juvenile is classified as missing, the District Investigative Unit shall assign a detective to respond to the scene and assume responsibility for the investigation and original offense report.

In the event a juvenile is reported lost, or a lost juvenile is turned over to the custody of an officer, the officer shall generate an initial incident report. Juveniles who are found shall be transported to the Juvenile Intake Unit only if attempts by the investigating officer to reunite the juvenile with his/her parent/guardian are proven unsuccessful.

Juveniles are considered dependent if they have no apparent means of supervision, either through the arrest of the parent/guardian, or some other condition rendering the parent/guardian incapable of caring for the juvenile. Dependent juveniles are to be transported to the Juvenile Intake Unit, which will make appropriate arrangements for the care of the juvenile.

490.2.3 JUVENILE INVESTIGATIONS

The investigation and original offense report of simple kidnappings shall be the responsibility of the District Investigative Units. The District Investigative Units (DIU) shall be responsible for the scene and/or follow-up investigations of all state felony and misdemeanor offenses, including narcotics, involving juvenile offenders, unless otherwise directed by the Deputy Superintendent of the Field Operations Bureau.

In cases where a juvenile is kidnapped by a parent/guardian in association with a custody dispute (Parental/Custodial kidnapping cases), the district officer's primary responsibility shall be to stabilize any on-scene conflicts, to protect the safety of the juvenile when present, and to insure there is no attempt by a parent/guardian to flee the jurisdiction of the court with the juvenile.

Once the immediate situation is stabilized, the district officer shall contact the District investigative Unit (DIU) to assume the investigation.

District Investigative Units shall have the responsibility for investigating all juveniles involved kidnappings, except aggravated; which will be handled by Narcotics Major Case Unit. The Juvenile Intake Unit's supervisors and detectives shall serve as an information resource to district officers.

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The following offenses involving juveniles shall be investigated as listed below:

Offense	Investigated by
Police Shootings	Force Investigation Team (FIT)
Child Abuse Offenses	Special Victims Section
Sex Offenses	Special Victims Section
Aggravated Kidnapping	Narcotics Section

490.3 ILLNESS OR INJURIES SUSTAINED BY THE ARRESTED JUVENILE

Arrested juveniles who are ill or injured shall be immediately brought to an appropriate medical facility for treatment. Depending on the seriousness of the injuries/illness, juveniles can be transported in a police vehicle or ambulance. However, the arresting officer shall accompany or follow the juvenile to the medical facility and remain with the juvenile until they are treated and released.

Upon arrival at the medical facility, the arresting officer shall attempt to notify the parent or guardian of the juvenile, informing him/her the juvenile has been arrested, the nature of his/her injuries, and request they proceed to the emergency facility.

If contact with the parent or guardian is not possible by telephone, the arresting officer shall obtain the address of the parent or guardian and cause a district unit where the parent or guardian resides to proceed to the residence for notification purposes.

Notifications require the following documentation:

(a) District units dispatched to make parental notification shall document same on his/her Daily Activity Sheet.

(b) The appropriate group dispatcher shall log on the notifying unit using the item number under which the juvenile was arrested, or the item number under which the arresting officer is assigned.

Upon successful notification of a parent or guardian, the notifying officer shall inform the dispatcher that notification was made. The appropriate entry shall be made in the item number history by the dispatcher.

If notification has not been successfully made, the arresting officer shall be informed of the fact by his/her group dispatcher, and the identity and address of an alternate concerned party will be obtained to attempt notification. Every effort shall be made to notify a concerned party for the arrested juvenile prior to the juvenile being released from the hospital.

In the event parental notification cannot be made, the juvenile will not be released from custody without being transported to the Juvenile Intake Unit for processing. Including, but not limited to, juveniles accused of traffic violations, violations of city ordinances, runaways, etc.

Arrested juveniles shall not be left unattended at a medical facility when in custody of the Department. The arresting officer, an officer assigned to guard duty, or an investigator from the Juvenile Intake Unit shall remain at the medical facility until a custodial release is obtained, if the incident for which the juvenile is accused permits such release.

In the event an arrested juvenile is to be admitted to a medical facility, the arresting officer shall immediately notify their immediate supervisor. If a custodial release of the offender is not conducted, the arresting officer's unit shall be responsible for establishing the guard

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detail. Upon release of the juvenile from the medical facility, he/she shall be transported to the Juvenile Intake Unit for processing.

No hospitalized juvenile accused of a felony grade delinquent act, a misdemeanor grade delinquent act involving weapons, injury, violence, resisting arrest, narcotic violations or an outstanding warrant, shall be granted a custodial release without authorization from a Juvenile Court Judge.

490.4 JUVENILE DETENTION HEARINGS

Juvenile Court policy mandates that a juvenile arrested for any felony, any Juvenile Court Warrant, or a misdemeanor involving weapons, injury, violence, or narcotic violations, be placed in a designated detention facility pending appearance in Juvenile Court.

Anytime an arrested juvenile is detained in a detention facility, the arresting officer's appearance at the scheduled detention hearing shall be mandatory.

Juvenile offenders held in a detention facility shall be brought to a detention hearing the day following his/her arrest, weekends and holidays excluded, in Juvenile Court.

When an arrested juvenile is to be detained, the Juvenile Intake Unit's assigned investigator shall inform the arresting officer(s) of the date, time and section of Juvenile Court where the hearing will be held. Arresting officers shall document this notification by recording the time, date, and court section of the scheduled hearing, along with the name of the Juvenile Intake detective providing this information, in their original offense report.

When personal notification of the arresting officers cannot be made, a Juvenile Intake Unit platoon supervisor shall contact an on-duty supervisor from the arresting officer's unit and request the appropriate notifications be made.

In arrests involving arrest warrants, the original investigator who issued the arrest warrant shall attend the detention hearing. The Juvenile Intake platoon commander shall contact a supervisor from the officer's unit and request he make every effort to notify the issuing officer of the pending detention hearing and the mandatory appearance.

If the officer obtaining the arrest warrant cannot be notified, the Juvenile Intake platoon commander shall contact the officer affecting the arrest, who shall be required to appear at the detention hearing.

Only one arresting officer, or one officer who obtained the arrest warrant, needs to attend the detention hearing. However, the officer who attends the hearing must have sufficient knowledge of the incident to provide probable cause for the arrest.

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Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic accidents and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the New Orleans Police Department. Information provided by the Louisiana State Police is a valuable resource for traffic accidents and therefore officer deployment. Some of the factors for analysis include the following:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions shall emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of accidents is increased. As a matter of routine, all officers shall take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (La. R.S. 40:2401.1).

The enforcement of traffic violations and the reporting of traffic stops shall be in compliance with law and the Discriminatory Policing/Bias-Based Profiling Policy.

The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of traffic accidents.

500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Verbal warnings may be considered in lieu of citation for minor traffic infractions. Warnings are not permitted in lieu of citation when a traffic accident investigation has been completed.

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Warning citations for violations of motor vehicle laws are specifically prohibited (La. R.S. 32:398.1C).

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Information provided by officers shall include, at minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

(d) The court contact information.

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to the following:

(a) Vehicular homicide (La. R.S. 14:32.1).

(b) Vehicular negligent injury (La. R.S. 14:39.1).

(c) Operating a vehicle while intoxicated (La. R.S. 14:98 et seq.).

(d) Hit-and-run driving (La. R.S. 14:100).

(e) A suspended, revoked or cancelled operator's license.

(f) Reckless operation of a vehicle (La. R.S. 14:99).

(g) Hit-and-run driving (La. R.S. 14:100).

(h) Driving with a suspended, revoked or cancelled operator's license.

500.4 HIGH-VISIBILITY VESTS

Officers shall employ American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 655.601).

Although high-visibility vests are intended primarily for use while performing traffic-related assignments, they shall be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.4.1 REQUIRED USE

When working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.

Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures, while at disaster scenes or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests may be used any time a plainclothes officer might benefit from being readily identified as an officer.

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Traffic Crash Response and Reporting

502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic crashes, providing aid and assistance, documentation of the incident and identification of criminal activity.

The New Orleans Police Department prepares traffic crash reports in compliance with La. R.S. § 32:398 and, as a public service, makes traffic crash information available to the public.

502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic crash. A traffic crash with reported injuries may include an emergency response if the officer reasonably believes such a response is appropriate.

502.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a crash should consider the following:

(a) The most appropriate route to the incident.

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene.

(c) Potential for involvement of hazardous materials.

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance and tow vehicles).

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary.

(f) Traffic control and protection of the scene for the collection of evidence, if any.

(g) Clearance of the roadway.

On-duty officers assigned to investigate traffic accidents, and off-duty officers who happen upon traffic accidents while operating marked or unmarked police vehicles, are required to remove vehicles from the roadway by state law (La. R.S. 32.141(d)) and municipal ordinance (154-386) when all of the following conditions are present:

- Any vehicle involved in the accident is impeding traffic in any way;
- The operators of the vehicle are not prevented from moving their vehicles due to injury;
- There is no death or serious injury involved; and
- The vehicle is not disabled by the accident and can be moved under its own power.

This should not be construed as to override the officer's responsibility to render or request aid for injured individuals.

Vehicles should be moved to the shoulder of the road, or if available, a more suitable, safe location. If the vehicles involved in the accident are located on a bridge, highway, interstate, or other roadway, and no safe shoulder exists, the vehicles shall be moved from the bridge, highway, interstate, or other roadway to a safe location which does not impede the flow of traffic.

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Officers who move vehicles from the accident location due to the above considerations shall advise the dispatcher for the district of occurrence of the incident location and the location where the vehicles are being moved.

The officer shall supply the dispatcher of his/her unit number, if permanent, and badge number. If the incident is dispatched, the off-duty officer shall contact the investigating officer via radio if there is a need to convey pertinent information regarding the accident.

If the accident involves vehicles which cannot be moved from the roadway, serious injuries, or a fatality, the officer should position his unit in a manner to provide the most visibility to oncoming motorists. If the use of flares, cones, or other devices is available and beneficial, they should be used.

Where the officer determines gasoline is leaking from a vehicle, he/she shall immediately notify the dispatcher and request assistance from the Fire Department.

502.3 CRASH INVESTIGATION

Investigation of traffic crashes should include, at minimum, the following:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) Officers should utilize the Driver/Witness Voluntary Statement Form whenever possible.

(d) Determination if a crime and/or violation has occurred and taking appropriate enforcement action.

(e) Identification and protection of items of apparent evidentiary value.

(f) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

In the case where a serious injury which may result in a death or fatality is involved, the Traffic Section will respond and will determine if the Fatality Unit will conduct the investigation. The officer should make provisions for the protection of evidence until the arrival of the Fatality Unit.

502.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of state or municipal traffic statutes led to the crash, officers shall issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option (e.g., guard detail, citation in lieu of arrest).

In instances where a reasonable determination of fault cannot be established, the officer shall note in his report City Attorney to be Consulted . The officer shall meet with a City Attorney for New Orleans Traffic and Municipal Court within five business days and explain the facts of the case. The City Attorney's recommendation shall be documented in a supplemental report.

(a) In instances where the City Attorney's opinion is to take enforcement action, the investigating officer shall proceed to New Orleans Traffic and Municipal Court and file the necessary affidavits

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502.4.1 EVIDENCE OF COMPULSORY MOTOR VEHICLE LIABILITY SECURITY OR INSURANCE

Officers investigating a traffic crash shall determine if the operator of any involved vehicle has evidence of compulsory motor vehicle liability security or insurance pursuant to La. R.S. § 32:863.1. If the operator does not have the required evidence, the officer shall do the following (La. R.S. § 32:863.1(C)):

(a) Arrange for the vehicle to be impounded.

(b) Issue the operator a notice of non-compliance on the appropriate form.

(c) Provide a copy of the notice of non-compliance to the towing or storage company.

(d) Remove the license plate if the vehicle is registered in Louisiana and deliver it to the District Section. License plates should be turned in with a copy of the notice of non-compliance.

(e) Issue a traffic citation.

Officers shall assist occupants of seized vehicles in obtaining transportation from the location of the seizure to their destination or a safe location. The assistance may involve contacting an individual or company (taxi) who will provide assistance, providing transportation to the individuals if their destination is within the immediate area, awaiting the arrival of public service transportation or transporting the individuals to the district station to await the arrival of private transportation.

Officers may elect not to seize a vehicle for failure to show documentation of compulsory motor vehicle liability or security insurance in the following instances:

- The vehicle contains an occupant under the age of 12 or an occupant is handicapped, and alternate transportation is not readily available.
- When considering the location of the stop or the time of day, the officer believes there would be a threat to public safety or to the occupants of the motor vehicle.
- Seizing the motor vehicle would cause an undue burden upon the officer due to manpower constraints or working conditions.

If a vehicle is not impounded, a copy of the notice of non-compliance shall be attached to the vehicle's license plate and both shall be delivered to the district station. The Traffic Section shall retrieve the license plate and forward to the Department of Motor Vehicles.

502.5 TRAFFIC CRASH REPORTING

(a) The responsibility of investigating and reporting traffic accidents shall rest with officers assigned to the Special Operations Division (SOD) Traffic Section during their normal working hours, except as listed below.

1. During hours when the Traffic Section is not operational, the responsibility of investigating and reporting traffic accidents shall rest with officers assigned to the police district of occurrence.
2. During hours when district personnel are required to investigate and report traffic accidents, officers dispatched to the scene of an accident shall be responsible for the reporting of same, even if, upon arrival at the scene, he/she determines the accident actually occurred in another police district. Arrival at the scene means informing the dispatcher of arrival, or the viewing of the accident from a location readily accessible to the dispatched officer.
3. All fatal crashes shall be investigated by officers assigned to the SOD Traffic Fatality Unit. The Fatality Unit will be notified on any crashes involving serious

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injuries which may result in death. The SOD Traffic Commander will determine, based on the circumstances, if the Fatality Unit will investigate any crashes involving serious injury. The term serious injury is defined as an injury that may result in a fatality.

4. Accidents involving a driver who is under the influence of intoxicants shall be investigated by assigned personnel. The investigating officer shall notify a D.W.I. Unit of Traffic Section officer to assist in the investigation, or transport the suspected driver to the D.W.I. Unit for testing.

(b) In the event a D.W.I. Unit Officer is not available, any driver suspected of being under the influence of intoxicants shall be transported to a D.W.I. testing facility, such as the Crescent City Connection Police Office or the Orleans Levee District Office, for Intoxilyzer testing.

502.5.1 OFFICER RESPONSIBILITIES

(a) Department members shall utilize the Department of Public Safety and Corrections (DPSC) Uniform Traffic Crash Report for the reporting of traffic crashes for any accident.

(b) Officers investigating a reportable traffic crash shall instruct each involved driver to report the following using an Auto Accident Driver Information Exchange form to any party who suffered injury or property damage resulting from the crash:

1. The name and address of the owner and the driver of the vehicle.
2. The license number of the vehicle.
3. The name of the insurance company for the vehicle.
4. The name, address and telephone number of the insurance agent.

(c) Officers shall indicate on the report that each involved driver was given instructions for providing information to any party suffering injury or damage and whether the investigation was made at the scene of the accident or by subsequent investigation and interviews.

(d) Each person involved in a traffic crash shall be provided with a right to privacy form. A privacy form returned to an officer shall be filed with the traffic crash report (La. R.S. § 32:397.1).

(e) Department of Transportation and Development property damaged in a traffic crash which appears to exceed $500 in value shall be reported to the appropriate Department of Transportation and Development district office (La. R.S. § 32:398(M)(1)).

(f) All motor vehicle traffic accidents (crashes) where damage to State/City property has occurred shall be documented in a crash report, regardless of the dollar amount of the accident. Damaged items may include, but are not limited to, bridges, sign posts, pylons, railings, guard rails, abutments, etc.

1. Investigating officers shall notify the Command Desk, relating the location of the damaged property, item number, a description of the item damaged, and the extent to which the property has been damaged.
2. The Command Desk shall notify the Department of Transportation and Development, supplying the information outlined in the above paragraph.

(g) All traffic crash reports taken by members of this department shall be forwarded to the Traffic Section for approval and data entry into the records management system.

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Officers investigating accidents involving vehicles transporting hazardous materials shall contact a ranking officer of the Traffic Section. The ranking officer from the Traffic Section shall proceed to the scene of the accident and take appropriate measures to guarantee the safety of the public and facilitate good traffic flow. The Fire Department shall be notified on any accident involving a vehicle transporting hazardous materials.

(h) Under normal circumstances, the district officer assigned the investigation and reporting of a traffic accident shall be in command of the scene. Officers assigned to specialized units within the SOD Traffic Section whose primary duty is the investigation of auto accidents involving unique situations shall take command of the scene upon arrival at the location of the accident.

(i) In accident investigations where the operator of a vehicle has been removed from the scene due to injury, the officer shall ensure that any personal property inside the vehicle or at the scene is transported to the Central Evidence and Property Division and logged as per current departmental procedure.

(j) Individuals who are arrested shall have the option of securing their property inside their vehicle or taking same with them to Central Lock Up.

502.5.2 TRAFFIC SECTION SUPERVISOR RESPONSIBILITIES

The Traffic Section Supervisor will be responsible for:

(a) Forwarding a copy of any notice of non-compliance involving vehicles whose operator did not provide proof of compulsory motor vehicle liability security or insurance to the office of motor vehicles with three days (La. R.S. § 32:863(C)(1)(a)).

502.5.3 RECORDS DIVISION

(a) Monthly and quarterly reports on traffic crash information and statistics shall be forwarded to the Field Operations Bureau Commander or other persons as required.

(b) The original copy of the Uniform Motor Vehicle Crash Report Form for all reportable accidents to the DPSC within 48 hours of the date of the crash (La. R.S. § 32:398(E)(2)) shall be forwarded.

(c) Forwarding a copy of traffic crash reports indicating damage to property of the Department of Transportation and Development estimated to exceed $500 within six days of the date of the crash (La. R.S. § 32:398(M)(2)).

502.5.4 MODIFICATIONS TO TRAFFIC CRASH REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

502.6 REPORTING SITUATIONS

502.6.1 TRAFFIC CRASHES INVOLVING CITY VEHICLES

Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic crash on a roadway or highway, wherein any damage or injury results. A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the crash occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate city agency.

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Photographs of the crash scene and vehicle damage shall be taken by the SOD Traffic Section (Car 17).

All crashes involving a New Orleans Police Department vehicle being operated by a member of the New Orleans Police Department shall be handled by a member of the SOD Traffic Section. The officer will take photographs of the vehicle damage and crash scene. No citations for moving violations will be issued on crashes involving City-owned vehicles; however citations may be issued for violations not associated with the crash (i.e., no driver's license, no insurance, etc.).

Any crash that occurs outside of the City of New Orleans, the initial report will be handled by the jurisdiction in which it occurred. The Special Operations Division Traffic Section will be notified and determine if photos will be taken on scene or a later time.

502.6.2 TRAFFIC CRASHES ON PRIVATE PROPERTY

Traffic crash reports should not be taken for traffic crashes occurring on private property, unless there is a death or serious injury to any person, or a violation of the following laws has occurred La. R.S. 14:98; 14:99; 14:100; a hit-and-run violation or property damage of $500 or more occurs or damage to City property. This should not rule out the completion of an incident report, if necessary, or at the discretion of a supervisor. A crash report may be taken at the discretion of any supervisor.

502.6.3 TRAFFIC CRASHES INVOLVING INJURED ANIMALS

Department members should refer to the Society for the Prevention of Cruelty to Animals when a traffic crash involves disposition of an injured animal.

502.7 NOTIFICATION OF TRAFFIC SECTION

In the event of a serious injury or death-related traffic crash, the Platoon Commander shall notify the Traffic Section Supervisor to relate the circumstances of the traffic crash and seek assistance from the Traffic Section. The Traffic Section Supervisor will advise if the Traffic Section will handle the investigation. In the absence of a Traffic Section Supervisor, the Platoon Commander or any supervisor may assign an investigator or patrol officer to investigate the traffic crash.

502.8 HIT AND RUN

Officers responding to a hit and run shall conduct an initial investigation and complete a crash report.

A copy of all reports involving hit and run accidents shall be forwarded to the Hit and Run Unit for follow-up investigation.

The Hit and Run Unit shall conduct follow-up investigations on all accidents where a driver involved in an accident fails to stop his/her vehicle at the accident scene to give his/her identity and to render reasonable aid.

502.8.1 HIT AND RUN CLASSIFICATION

All hit and run accidents shall be classified using the following criteria:

(a) A-case (high possibility of solving).

(b) B-case (high possibility of solving) needs to develop missing data.

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(c) C-case (low possibility of solving) the information contained in the report was general and vague.

(d) D-case (no possibility of solving) the report has no follow up factors.

502.8.2 HIT AND RUN SUPPLEMENTAL REPORTS

Supplemental reports shall be completed by Hit and Run Unit officers on all investigations they conduct. Follow-up investigations shall consist of the following procedures:

(a) Review of the facts and circumstances stated in the original report.

(b) Determine the registered owner of the hit and run vehicle.

(c) Notify the owner that their vehicle has been implicated in a reported hit and run.

(d) Accident and instruct them to contact the Hit and Run Office.

(e) Obtain statements from witnesses recorded in the report.

(f) Check all physical evidence collected at the scene.

(g) Attempt to examine the victim's vehicle for possible transfer evidence.

(h) Examine the accident scene.

(i) Notification of the victim as to the outcome of the investigation upon its completion.

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Traffic Stops and Traffic Checkpoints

503.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines for conducting traffic stops by commissioned members of the New Orleans Police Department.

Vehicle stops pose potential risks to police personnel and the public and must be conducted with caution and forethought. Routine traffic stops may develop into serious confrontations or pursuit situations and officers must be prepared to react accordingly. Officers should continually be cognizant of the various tactical options available.

503.2 POLICY

As per current state law and the opinion of the Attorney General for the State of Louisiana, municipal police authority is limited to the territorial jurisdiction of the employee's municipality. Therefore, commissioned members of the New Orleans Police Department are not authorized to make traffic stops outside of Orleans Parish, unless the violation would be considered a felony under state law. Nothing in this policy shall prohibit a member from making a vehicle stop in conjunction with a pursuit situation which originated in Orleans Parish and crossed into an adjacent parish as provided for and as limited by the Vehicle Pursuit Policy. Uniformed and non-uniformed police officers are authorized to stop vehicles and their occupants in order to enforce traffic laws, to conduct investigations, and to stop criminal activity. Whenever possible, non-uniformed officers shall request assistance from a uniformed officer with a marked unit prior to conducting a stop. Off duty personnel are authorized to make traffic stops in Orleans Parish only, and must be operating a marked police vehicle or in full uniform if operating an unmarked police vehicle. Police Officers not in a marked vehicle with operating emergency lights and siren shall not cite an individual for violation of La. R.S. 14:108.1 (flight from an officer, aggravated flight from an officer) if he/she refused to stop their vehicle. Commissioned members of the New Orleans Police Department are not authorized to make traffic stops while operating a personal vehicle, except for felonies in progress. Non-uniformed officers conducting traffic stops shall conspicuously display their Department credentials to the vehicle occupants and announce that they are police officers. All police vehicles used to conduct vehicle stops will be equipped with operable, emergency lights and sirens.

503.3 CONDUCTING INVESTIGATORY TRAFFIC STOPS

NOPD officers may only conduct investigatory stops or detentions where the officer has reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

NOPD officers shall use accurate and specific descriptive language and not rely solely on boilerplate or pat language in any reports documenting investigatory stops, detentions, or searches. Articulation of reasonable suspicion and probable cause shall be specific and clear.

NOPD officers shall not use or rely on information known to be materially false or incorrect in effectuating an investigatory stop or detention.

NOPD officers shall not use race, color, ethnicity, national origin, religion, gender, disability, or sexual orientation as a factor, to any extent or degree, in establishing reasonable

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suspicion or probable cause, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.

When conducting a traffic stop, officers must be cognizant of roadway, traffic, and lighting conditions. The safety of the officer, the violator, and other roadway users is a prime concern. If the violator stops in an unsafe location, the officer shall direct the violator to move to a more suitable location by use of signals and/or public address system. Under no circumstances will an officer allow a violator who is suspected of driving while intoxicated to move his/her vehicle once it has stopped.

When conducting a traffic stop, officers shall advise the dispatcher of their unit number, location, and vehicle tag number. If the vehicle has a temporary paper tag, or no tag, the officer shall provide the dispatched with a description of the vehicle and its occupants.

Off duty personnel making a traffic stop should advise the dispatcher of their badge number if no permanent unit number is assigned.

When conducting a traffic stop, officers shall use high beams, flashing overhead lights, takedown lights, flashers, and spotlights when applicable. The officer shall approach the violator's vehicle from behind, unless circumstances dictate a different angle of approach.

When possible, officers will position police vehicles in such a manner to allow a safety zone between the officers' and the violator's vehicles.

The decision on whether to approach the violator's vehicle on foot or to order the violator out of the vehicle shall be made by the officer. The officer must keep all tactical options available, including emergency disengagement techniques taught at the academy.

While writing citations or conducting a record check on the radio or in the police vehicle, the officer shall situate himself in a manner affording maximum cover and protection from the violator or other motorists. At all times, the officer shall maintain visual contact with the violator and passengers. For safety reasons, officers shall not allow persons to approach the driver's side door of the police vehicle while the officer is sitting inside.

While issuing citations, officers shall position themselves in a manner which does not expose their weapon to the violator.

Upon termination of the traffic stop, the officer shall ensure the safety of the violator by remaining on the scene until the violator leaves. In situations where the violator's vehicle becomes disabled and cannot be moved, the officer shall assist the violator as provided for in the Disabled Vehicle Policy.

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Traffic Direction and Control

505.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure precise movement of traffic from a prearranged direction to another direction, for the purpose of safety of the public at large, by utilizing standard manual signals in order to change the flow of traffic to protect evidence, safeguard an accident or crime scene, or move traffic from one place to another.

505.2 OFFICER INSTRUCTIONS

Officers shall immediately notify the dispatcher of any hazardous situation which requires the immediate attention of the Department of Streets or Louisiana Department of Transportation personnel. Below are listed some instances where the proper highway or streets department personnel shall be notified:

(a) Obstacles in the roadway;

(b) Damaged roadway surface;

(c) Dead or injured animals on the road;

(d) Malfunctioning lighting;

(e) Serious accidents impeding traffic;

(f) Extreme traffic congestion;

(g) Surface conditions during inclement weather; and

(h) Damage to any Department of Transportation facility (e.g. control box. sign, standards, posts, railings, impact reducing devices).

Officers observing hazardous road situations due to engineering deficiencies or antiquated design shall document same in a police report. The report shall be forwarded to the Commander of the Special Operations Division, Traffic Section. The Commander of the Traffic Section shall forward a copy of the report to the appropriate city or state agency for corrective action.

Uniformed officers from district patrol or the Traffic Section may perform traffic control for the below situations:

- Major accidents and fatalities
- Major fire scenes
- SWAT incidents
- Those special events as deemed appropriate by the Commander of the Traffic Section
- Intersection control at major intersections during peak traffic hours or unusual occurrences
- Hazardous material incidents

Officers shall manually control traffic flow and direction until traffic can flow safely and smoothly by automatic control.

Officers conducting traffic control shall wear his/her reflective traffic vest, have a whistle and flashlight with orange directional cone.

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505.3 COMMUNICATIONS RESPONSIBILITIES

Police dispatchers shall notify the proper authority in cases of dangerous road conditions. The Regional Traffic Management Center shall be notified of any road closures and/or dangerous road conditions.

505.4 USING TEMPORARY SIGNALS AND/OR SIGNS

The use of temporary traffic signals and/or signs shall be evaluated by a ranking officer of the Traffic Section to determine if the controls are adequate to control the traffic.

505.5 TRAFFIC CHECKPOINTS

The use of traffic checkpoints shall be at the discretion of the traffic platoon commander or the platoon commander of the district in which the checkpoint is to be conducted. Traffic checkpoints shall be conducted in accordance with current law. Consideration shall be given to the location of the checkpoint and the time of day with regard for the smooth flow of traffic.

505.6 MANUAL OPERATION OF TRAFFIC CONTROL DEVICES

The following circumstances may warrant manual operation of traffic control devices:

(a) Emergency incidents;

(b) Special events;

(c) Unusual incidents; or

(d) When deemed necessary by a supervisor.

Manual control devices are found inside the traffic control boxes located on or near the corner of intersections with traffic signal lights. A control box key may be obtained from the Public Works Department with written approval from the Traffic Section Commander or a Bureau Chief. Caution should be used when operating these devices.

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School Crossing Guards

507.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the duties and responsibilities of a school-crossing guard; explain the limit of his/her authority; and describe the requirements to apply for the position.

507.2 GENERAL

Adult school-crossing guards are employees of the City of New Orleans under the supervision of a member of the New Orleans Police Department.

A candidate applying for the position of school-crossing guard must be a competent adult resident in good health residing in New Orleans in the area of the school he/she will be assigned.

Schools chosen for the guard program are based on the location of the school and its proximity to large streets or boulevards, the number of students attending a particular school, the grade levels of the school, and any other special considerations.

The Commander of the Traffic Section and or his/her designee is responsible for an annual evaluation of the above in order to determine placement of available crossing guards. The evaluation shall be conducted during the summer months of each calendar year and completed by July 31 of each year. Once completed, the Commander of the Traffic Section shall report in writing the finalized deployment plan to the Deputy Superintendent of the Field Operations Bureau. The deployment plan shall be updated as necessary throughout the year.

Crossing guards are authorized to stop traffic to allow children to safely cross within school crossing areas. They are not authorized to perform any other traffic control duties.

Crossing guards are required to dress conservatively, wearing the reflective traffic vest supplied by the department. Crossing guards shall be equipped with reflective signs to assist children crossing the street. The Traffic Section may place additional restrictions on attire/appearance, as required.

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Compulsory Motor Vehicle Liability Security

509.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with the proper process to be utilized when an operator of a motor vehicle cannot provide evidence of such security when stopped by an officer of the New Orleans Police Department.

509.1.1 DEFINITIONS

Certificate of Insurance - The written evidence of motor vehicle liability insurance as defined by state law is in the form of one of the following (La. R.S. 32:900):

(a) An identification card issued by an insurer to the insured which contains the following information:

1. The name and address of the insurance company.
2. The insurance policy number.
3. A description of the vehicle insured.
4. The effective and expiration dates of the policy.
5. The name of any person(s) excluded from the policy.

(b) A motor vehicle liability insurance policy or a duplicate original thereof.

(c) A motor vehicle liability policy binder or a duplicate original thereof.

(d) A duplicate original of a motor vehicle liability bond which complies with requirements for a motor vehicle liability bond set forth by state law.

(e) A certificate from the State Treasurer stating that cash or securities have been deposited with said Treasurer or provided for under the provisions of state law.

(f) A certificate of self-insurance issued by the Assistant Secretary of the Office of Motor Vehicles under state law qualifying the owner of the vehicle as a self-insurer (La. R.S. 32:1042).

509.2 INSTRUCTIONS

Evidence of compulsory motor vehicle liability security shall be maintained within all vehicles registered within the state of Louisiana and operated on any public highway or street.

Officers stopping a motor vehicle during the scope and course of their official duties, including accident investigations, shall determine if the owner, lessee, or operator of each vehicle is able to present evidence of compulsory motor vehicle liability security as required by law (La. R.S. 32:863.1).

If the operator of the motor vehicle is unable to demonstrate compliance with the law, the motor vehicle shall be impounded, subject to the provisions of this policy, and the operator shall be cited appropriately. The operator of the vehicle shall also be issued a notice of noncompliance for the violation. The notice of noncompliance shall serve as notice of administrative hearings rights (La. R.S. 32:863.1).

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A copy of the notice of noncompliance shall be provided to the towing or storage company taking possession of the vehicle, and a copy shall be forwarded to the Office of Motor Vehicles within three calendar days after the notice of noncompliance was issued.

The officer shall remove the license plate from the vehicle, if registered in the State of Louisiana, and process same as per current procedure.

Confiscated vehicle license plates will be listed on the NOPD Compulsory Insurance Violation Notices and Seized Plates Receipt form. The original and one copy shall be forwarded daily (Monday through Friday) between the hours of 8:00 a.m. and 4:00 p.m. to the Louisiana Department of Motor Vehicles. All confiscated license plates and the corresponding white original compulsory notice shall be forwarded with the NOPD Compulsory Insurance Violation Notices and Seized Plates Receipt form. District units shall be responsible for maintaining the blue compulsory notice copy for their files. Each division shall be responsible for maintaining a filing system for receipts.

509.3 DUTY OF OFFICERS TO OCCUPANTS OF SEIZED VEHICLES

Officers shall be required to assist occupants of seized vehicles in obtaining transportation from the location of the seizure to their destination, or a safe location. This assistance may take the form of contacting an individual or company (taxi) who will provide assistance, providing transportation to the individuals if their destination is within the immediate area, awaiting the arrival of public service transportation, or transporting the individuals to the district station to await the arrival of private transportation.

509.4 DUTY OF OFFICERS TO OCCUPANTS OF SEIZED VEHICLES

Officers may elect not to seize a vehicle for failure to show documentation of compulsory insurance in the following instances. However, the license plate on the vehicle shall be confiscated, a temporary sticker affixed to the rear window of the vehicle, valid for three days, and the operator cited for failure to show evidence of compulsory insurance. After the three day period, the vehicle may not be operated on any public street or highway. If a vehicle is found to be operating on a public street or highway after the three day limit has expired, it shall be immediately seized. Cases where discretion is allowed are as follows:

(a) The vehicle contains an occupant under the age of twelve years, or an occupant is handicapped, and alternate transportation is not readily available;

(b) Upon considering the location of the stop and/or the time of day, the officer perceives that there would be a threat to public safety or to the occupants of the motor vehicle; and

(c) The assistance, as outlined above (Duties of Officers to Occupants of Seized Vehicles), causes an undue burden upon the officer due to manpower constraints or working conditions.

509.5 PERSONAL PROPERTY

Officers shall complete a vehicle inventory using the New Orleans Police Department Vehicle Storage - Tow Request and Inventory Record Form (Form 39) in all instances where a vehicle is impounded for failure to maintain proof of liability insurance. Investigating officers shall ensure that the form number of the Notice of violation in included on the form where indicated. The top and bottom portions of Form 39 shall be completed.

Copies of the vehicle Storage - Tow Request and Inventory Record form shall be distributed as indicated on the form.

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Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a process for towing a vehicle by or at the direction of the New Orleans Police Department.

510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee shall, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting seizure or impound of a vehicle shall complete a NOPD Vehicle Storage-Tow Request and Inventory Record form (Form 39). This form provides written authorization for the tow truck operator to possess the vehicle and a description of property within the vehicle. The pink copy shall be given to the tow truck operator and the original submitted to the Towing & Recovery Unit as soon as practicable after the vehicle is towed.

510.2.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Communications Services. When there is no preferred company requested, a company shall be selected from the Call Allocation List of towing companies in Communications Services.

If a towing company initially selected by either the driver or an officer fails to respond within 45 minutes, the officer may select the next available towing company from the rotational list of towing companies (La. R.S. 32:1735).

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer shall then conduct an inventory, and store the vehicle using the NOPD Vehicle Storage - Tow Request and Record Inventory Form (Form 39) following review and approval by his/her supervisor.

510.3 ON SCENE ACCIDENT INVESTIGATION BY AN OFFICER

Vehicles involved in auto crashes, found to be in violation of the Compulsory Motor Vehicle Liability Security law (La. R.S. 863.1), and in need of a towing service due to damage, shall be impounded for violation of the Compulsory Motor Vehicle Liability Security law, regardless of which vehicle was at fault.

By ordinance, the operator(s) of motor vehicle(s) involved in an accident shall cause the damaged vehicle to be removed from the public roadways, adjacent service lanes, or other city and state property within one hour after completion of the police investigation of an

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accident. Any vehicle remaining in such areas will be considered hazardous, and shall be subject to removal on the order of the New Orleans Police Department. The assigned investigating officer is responsible for conducting all such follow-up after proper investigation of an accident, to cause such vehicle to be removed within this time limit.

510.4 TOWING VEHICLES INVOLVED IN TRAFFIC RELATED INCIDENTS

It is the responsibility of the investigating officer, upon arrival at the scene of a traffic related incident, to determine if a tow truck from the allocation list is required to clear the accident scene to ensure public safety, and promote the continued free flow of traffic.

Owners/Operators of vehicles involved in an accident and being towed for violations of Compulsory Motor Vehicle Liability Insurance must be towed from the Call Allocation List.

510.4.1 PREFERRED TOWING BUSINESSES

The investigating officer shall interview the operator of the involved vehicles requiring towing support to determine if a preferred towing business has been or will be notified, or if towing support will be requested or required from the Call Allocation List.

If the operator has a preferred towing and recovery vendor which has not been contacted, the investigating officer shall notify the police Towing Allocation Dispatcher (TAO) on radio channel DSP TAO of the name and phone number, if known, of the towing business, and request that this preferred vendor be officially notified.

When the preferred towing business has been notified by the towing allocation dispatcher, the Towing Allocation Dispatcher (TAO) shall notify the investigating officer of the acknowledged response from the preferred towing business.

The preferred towing business shall have a total of 45 minutes to arrive on the accident scene from the time of arrival on the scene by the assigned officer or from the time of notification by the Towing Allocation Dispatcher (TAO).

If the preferred towing business informs the TAO that they cannot respond within the allotted time frame, the TAO shall then advise the investigating officer. If the preferred towing business cannot or does not arrive in 45 minutes, the officer shall notify the operator that the Call Allocation List will be implemented.

510.4.2 NON-CONSENT TOW/TAO

A non-consent tow is defined as the towing of a motor vehicle where the vehicle operator has not called a towing service for assistance, or is unable or unwilling to do so. In those instances where the operator of a motor vehicle involved in a traffic accident, or other traffic related emergency, requests towing support from the officer, or is unable or refuses to make arrangements for the removal of said vehicle, it shall be the responsibility of the investigating officer to implement the New Orleans Police Department Call Allocation List.

Unless the operator is incapacitated, or no longer on the scene, the officer shall notify the operator that a towing and recovery business will be dispatched to the scene to remove and store the vehicle at the operator's expense.

NOPD form 39 must be completed by the investigating officer and signed by the operator/owner of the vehicle before the officer contacts the TAO. If the operator/owner of the vehicle is unable or unwilling to sign the form, the officer shall write, operator/owner refused/unable to sign on the signature line of the financial responsibility section of form 39.

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The vehicle information shall be provided to the TAO in the same order that these vehicles appear in the police report; description of vehicle, license plate number of the vehicle, name of operator of the vehicle, type of tow truck needed and, name of requesting officer/unit number.

The requesting officer shall obtain notification of the tow company by the TAO on DSP TAO" It will be the responsibility of the investigating officer to ensure that each responding tow company only services the vehicle specifically assigned to that towing business. The next sequential towing business on the rotation list shall be assigned to each disabled vehicle based on the order the vehicles appear in the police report. Towing companies shall be deployed from the (CAD) allocation list.

The investigating officer shall notify the operator of the vehicle that the New Orleans Police Department Call Allocation List towing service has been notified and is en route.

The officer shall ensure the roadway is cleared as soon as possible. The officer shall not allow a tow truck driver to remove a wrecked or disabled vehicle until such time as the investigating officer has completed his/her investigation or, if in the officer's opinion, the vehicles have to be moved to ensure public safety.

If a tow truck summoned from the Call Allocation List arrives at the scene and is unable to provide the necessary services, they must immediately notify the officer. Any substitute truck must be from the same company and such delivery must be within a time period not exceeding an additional 30 minutes.

Upon notification by the tow truck driver that the towing business cannot provide the necessary services, the investigating officer shall immediately contact the TAO on DSP TAO and request the services of the next towing business on the Call Allocation List and allow that towing business 45 minutes to arrive on the scene.

510.4.3 ADDITIONAL TOWING RESPONSIBILITIES

The assigned investigating officer shall not relocate or leave the accident scene until all of the tow truck(s) have arrived and all of the disabled/insurance vehicles have been removed.

The investigating officer shall ensure that all towing service businesses, whether called from the NOPD Call Allocation List or by the operator, shall be responsible for the cleaning of all debris from an accident scene, per each vehicle assigned. The investigating officer shall monitor the clean-up of an accident scene, prohibiting the towing and removal of the vehicle until all such debris has been cleared.

In those instances when a vehicle is towed by the Call Allocation List towing business, it shall be noted in the Uniform Motor Vehicle Traffic Crash Report. In those instances where the vehicle will be towed to a storage facility under the control of the towing business, the name, address, and telephone number of the storage facility shall be noted in the narrative portion of the crash report. No towing service shall tow or remove any vehicle to any other location except the towing service's approved storage facility, unless authorized by the registered owner of the vehicle, the operator, or the New Orleans Police Department.

510.4.4 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the

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community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high crime area).

(a) Officers should impound a vehicle and complete the Department Impoundment Form, Form #39 including review and approval by a supervisor, whenever a vehicle is:
    1. Evidence in a crime and needs to be held for prosecution.
    2. Suspected of containing evidence which cannot be collected in the field.
    3. A recovered stolen vehicle or displays evidence consistent with auto theft and:
        (a) The owner or other responsible party cannot be contacted.
        (b) A supervisor authorizes impoundment based on a need to secure the vehicle.

(b) Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:
    1. Traffic related warrant arrest.
    2. Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings.
    3. Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
    4. Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

510.5 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

510.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the Towing Allocation Dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

The TAO operator's responsibility is to first verify the type of tow, (traditional or Flatbed) and reason for the officer's request (Stolen, insurance, police emergency and Hazard). The TAO operator will provide the investigating officer the towing company information from the (CAD). The operator will document all information received from the officer in the TAO log.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

510.7 TOWING AND RECOVERY UNIT

Impoundment Forms completed by department members and notifications of impoundments received from non-city storage facilities shall be promptly documented and filed by the Towing and Recovery Unit so that they are immediately available for release or review should inquiries be made (La. R.S. 32:1718(B)).

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510.8 TOWING SERVICES

The City of New Orleans periodically selects one or more firms to act as official tow services and awards contracts to those firms pursuant to La. R.S. 32:1735(C). Those firms shall be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list.

510.8.1 UNSOLICITED RESPONSE VIOLATION BY A TOWING BUSINESS

Officers shall identify all towing businesses on an accident scene both prior to and after an officer's arrival to ascertain if the tow truck was requested by the operator.

Tow truck operators shall not respond to the scene of a police investigation unless called by the police or by the operator of a disabled vehicle. No person, including but not limited to, the tow truck owner, his agent, employee, or operator, shall stop at the scene of an accident for the purpose of soliciting an engagement for towing services unless he/she has been requested by the New Orleans Police Department or other police agency.

Enforcement action taken against a tow truck company for unsolicited response shall require a separate item number. A copy of the municipal affidavit(s) and/or summons(es) shall be forwarded to the Towing and Recovery Section of the Investigations Support Bureau within 24 hours of the occurrence.

510.8.2 HEAVY DUTY TOWING

For the purpose of this regulation, a Heavy Duty Vehicle shall be defined as any vehicle that, because of its size, weight, or other design or physical characteristics, would require its removal or transport under towing situations by a heavy duty tow truck. A Heavy Duty Tow Truck shall have a gross vehicle weight of not less than 33,000 pounds as rated by the manufacturer.

All procedures outlined towards towing response under this policy shall apply. All requests for heavy duty towing shall be made through the DSP TAO TAO operator.

510.9 VEHICLE STORAGE - TOW REQUEST - INVENTORY RECORD FORM (FORM 39)

All property in a stored or impounded vehicle shall be inventoried and listed on the Vehicle Storage-Tow Request or Inventory Record form (Form 39). This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

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Vehicles containing non-fixed removable items in or on the vehicle shall be noted in the remarks section of form 39. The inventory shall be made in the presence of the tow company driver. The signature of the tow company driver is required on all forms.

Investigating officers shall complete the New Orleans Police Department Vehicle Storage - Tow Request and Inventory Record form as indicated below:

(a) When the vehicle is impounded for violation of the compulsory motor vehicle liability security, the top and bottom portions must be completed.

1. Investigating officers will include the form number of the Official Notice of Withdrawal of Vehicle Registration (Notice of Compliance) in the remarks section.

(b) When the operator of a vehicle involved in an accident has been removed from the scene (hospitalized or arrested), and there is no concerned individual to take possession of the vehicle, the operators signature on the form is not required. The officer shall write hospitalized or arrested on the signature line of form 39 (Complete entire form.)

(c) When the vehicle is impounded because it is unattended and poses a hazard to public safety, the officer shall enter driver not on scene on the signature line of form 39. Complete entire form.

(d) When a vehicle is disabled, either through an accident or mechanical malfunction, the driver is on the scene, and towing is required by municipal ordinance, the entire form shall be completed.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to:

- Obtaining access to the locked container from the owner;
- Placing the locked container into safekeeping; or
- Obtaining a written waiver of responsibility for the contents of the locked container.

Copies of the form shall be distributed as indicated on each page.

Investigating officers shall not complete the Vehicle Storage - Tow Request and Inventory Record form on accidents where the driver is on the scene, and towing services have already been ordered by the operator with no involvement of the Department.

510.10 PRESERVATION OF EVIDENCE

An officer removing a vehicle who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

510.11 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

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Prior to removal from the scene, officers shall remove any movable property from the passenger compartment of the vehicle. This property may be placed in the trunk of the vehicle only if the owner is present and the key to the trunk is turned over to the owner. Otherwise, movable property must be processed in accordance with the Property and Evidence policy.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

510.12 PROHIBITED ACTS

It shall be prohibited for any employee of the New Orleans Police Department to own, have a financial interest in, or otherwise be in the employ of any company or business engaged in the towing and recovery business, or act as an agent of such a company or business.

Employees are prohibited from recommending, offering, soliciting, or forcing the services of any towing business to the operator or representative of an accident vehicle other than as assigned by the TAO.

Officers shall not reassign towing services that have been dispatched from the Call Allocation List to any other vehicle other than the vehicle assigned by the TAO.

Communications Division employees are prohibited from any deviation or reassignment of vehicles as received from the Call Allocation List.

510.13 TOWING AND RECOVERY SECTION: DUTIES AND RESPONSIBILITIES

The Towing and Recovery Section shall be assigned to the Property Crimes Unit of the Investigations Support Bureau. The following duties shall be performed by the Towing and Recovery Section.

(a) To manage the Call Allocation List that has been established by Municipal Ordinance number Sec. 162-998 for towing and recovery of motor vehicles involved in traffic accidents, or other traffic related incidents.

(b) To conduct inspections of all tow wagons that have been approved for the Call Allocation List for compliance with applicable municipal and state laws.

(c) To conduct inspections of all towing businesses and storage facilities for compliance with all applicable municipal and state laws. The Towing and Recovery Section shall conduct background checks of all employees of each towing and recovery business that applies for participation on the Call Allocation List.

(d) To distribute City of New Orleans, Department of Police, Call Allocation List decals to those towing and recovery businesses that meet all of the qualifications and specifications as set forth in Municipal Ordinance numbers 162-996 through 162-1017.

The New Orleans Police Department Towing Allocation Inspection Sticker shall be affixed to the inside windshield, on the passenger side of the vehicle, of all tow trucks that have been approved for inclusion on the Call Allocation List. The decal shall be affixed to the tow truck by a member of the Towing and Recovery Section.

The decal shall be renewed annually upon re-application and approval of the towing business for the Call Allocation List. The license plate number of the tow truck shall be

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entered on the rear inside of the decal. The decal color will change each year and will have the year in the center in large, bold text.

The Towing and Recovery Section shall conduct criminal and administrative investigations of towing and recovery businesses. Department members receiving complaints regarding towing service and storage facilities shall notify the Towing and Recovery Section for necessary follow-up investigation. Copies of any reports on incidents that involved a towing or storage facility investigated conducted by a department member shall be forwarded to the Towing and Recovery Section.

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Impoundment of Motor Vehicles Involved in Criminal Activity

512.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines for the towing of motor vehicles in those instances not covered by the Compulsory Motor Vehicle Liability Security and Vehicle Towing and Releases policies.

512.2 POLICY

The NOPD requires impoundment of motor vehicles by the department be limited as follows:

(a) The motor vehicle is evidence in a crime and as such needs to be held for prosecution in court.

(b) The motor vehicle is known to contain, or is suspected of containing, evidence which cannot be collected in the field.

(c) The motor vehicle is a recovered stolen vehicle or displays evidence consistent with auto theft, such as damaged steering column or window(s), altered VIN plate, etc., and

1. The owner or other responsible party cannot be contacted to recover same;
2. A supervisory officer on the scene sees the need to secure the vehicle to prevent further damage or removal; and
3. A supervisory officer on the scene authorizes the impoundment.

Motor vehicles which are to be examined by a Crime Scene Technician shall not be removed from the scene without the approval of a Crime Scene Technician. If the motor vehicle is to be transported to the Evidence Cage, the investigating officer shall contact the Juvenile Section to ensure space is available prior to transport. If space is not available, the investigating officer shall contact his/her supervisor and inform them of this information. Vehicles subject to examination by a Crime Scene Technician shall only be transported to the Evidence Cage.

Motor vehicles which are to be examined by a Crime Scene Technician shall not be removed from the scene without the approval of a Crime Scene Technician. If the motor vehicle is to be transported to the Evidence Cage, the investigating officer shall contact the Juvenile Section to ensure space is available prior to transport. If space is not available, the investigating officer shall contact his/her supervisor and inform them of this information. Vehicles subject to examination by a Crime Scene Technician shall only be transported to the Evidence Cage.

Motor vehicles secured in Evidence Cage shall be processed within forty-eight hours, depending upon the availability of Crime Scene Technicians. Once a vehicle has been processed, the investigating officer shall be responsible for removing the vehicle from the Evidence Cage. The motor vehicle shall be returned to the owner, or if the motor vehicle must be held as evidence towed to the Almonaster Impound Facility (Auto Pound). If the investigating officer cannot secure a tow wagon, an email shall be forwarded to the Commander of the Homicide Section, documenting the reason the vehicle could not be transferred from the Evidence Cage.

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Investigating officers shall refrain from placing impounded motor vehicles outside of the Evidence Cages in the clearly marked no parking zones around the Evidence Cage. Additionally, blocking impounded motor vehicles with other impounded motor vehicles should be kept to minimum, as this impedes the towing process.

512.3 SEARCHING IMPOUNDED MOTOR VEHICLES

Officers seeking to search impounded motor vehicles shall immediately apply for a search warrant. A copy of the search warrant shall be secured in the motor vehicle that is to be searched within 24 hours of impoundment.

A copy of the Search Warrant shall be left with the Auto Pound in all instances where a motor vehicle is searched at a site operated by the Department of Public Works. After signing the investigative log book at the Auto Pound, officers shall execute the search warrant.

A copy of the search warrant will be placed inside the searched motor vehicle. The copy shall be placed in such a location where it is believed it will not be damage or destroyed due to weather conditions. (Examples include a closed glove box, inside a locked trunk, or other secure location.) Evidence/Property removed from the vehicle shall be processed in accordance with departmental policy.

512.4 GENERAL INFORMATION

When a motor vehicle is impounded, the exigent circumstances exception for a warrantless search is nullified. All searches of impounded motor vehicles must be performed pursuant to a search warrant.

All field units shall have an adequate supply of impoundment forms (Form 10) in their possession at all times.

Motor vehicles authorized for impoundment shall be taken directly to the Department of Public Works' Auto Pound or to the New Orleans Police Department (NOPD) Evidence Cage on the first floor of the police garage. The City of New Orleans' Auto Pound (operated and supervised by the Department of Public Works) shall store motor vehicles impounded by NOPD. Vehicles impounded for safe keeping shall not be towed to the Evidence Cage.

Other city agencies accepting custody of the vehicle shall be allowed to keep and/or photocopy the original Form 10 for their records.

Motor vehicles impounded because they were used in the commission of a crime, impounded for processing by the Crime Lab, or for other evidence related purposes shall be deposited in the NOPD Evidence Cage.

The removal of property from the interior of a motor vehicle will only be accomplished when the vehicle is not to be processed by a Technician from the Scientific Criminal Investigation Section (SCIS), and the vehicle's interior is not considered a crime scene by the investigating officer.

The Homicide Section shall be responsible for the management and maintenance of the Evidence Cage. The Homicide Section shall maintain a copy of all keys related to the Evidence Cage and shall ensure they are accounted for at all times.

To ensure the integrity of the cage and the impounded motor vehicles, only the investigating officers and authorized individuals shall be allowed to enter the Evidence Cage.

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Live animals - Live animals which are inside motor vehicles to be impounded shall be turned over to the owner or another responsible party whenever possible. In cases where the animal cannot be released to a citizen, the S.P.C.A. shall be contacted for assistance. Under no circumstances will a live animal accompany an impounded motor vehicle.

Perishables - Perishables found in motor vehicles requiring impoundment pose a special problem for department members because of the inability for storing these items. Officers impounding motor vehicles containing perishables shall make every effort to have a responsible party take possession of the items.

When large quantities of perishables are located inside a locked compartment of a commercial carrier and the vehicle can be towed or driven to the Auto Pound, the vehicle's cargo may be transferred to a responsible party.

When it is necessary to contact a shipping or receiving party to secure perishables, the officers shall document their attempts whether successful or not, including the names of persons contacted and times of contact, in their incident report. The information pertaining to who was contacted, date and time of contact, and a telephone number where the responsible party was contacted shall be provided to the Department of Public Works, Auto Pound.

512.5 INVESTIGATING OFFICER RESPONSIBILITIES

Officers seeking to impound a motor vehicle shall complete an impoundment form and have their supervisor review the form for completeness, signing the approval authorizing impoundment. The completed impoundment form shall be given to the tow wagon operator upon taking custody of the vehicle. An impoundment form shall not be used when a motor vehicle is involved in an accident or when found to be in violation of the mandatory compulsory liability security law.

Prior to removal from the scene, officers shall remove any movable property from the passenger compartment of the motor vehicle. This property may be placed in the trunk of the motor vehicle only if the owner is present and the key to the trunk is turned over to the owner. Otherwise, movable property must be processed at Central Evidence and Property Section in accordance with department policy. Motor vehicles containing movable property in the passenger compartment will be refused at the Auto Pound.

Upon having a motor vehicle placed inside of the Evidence Cage, the investigating officer shall copy the impoundment form in triplicate. The original completed impoundment form shall be placed on the windshield of the impounded vehicle, with the second copy being placed in the Vehicle Evidence Log Book located in the Juvenile Section. The third copy shall be maintained by the investigating officer for his/her file.

Investigating officers shall be present at the time the motor vehicle is processed by the Crime Scene Technician, documenting within the police report what actions were taken by the technician.

After the motor vehicle has been processed in the Evidence Cage by the Crime Lab and will not be retained as evidence, the investigating officer shall submit the Vehicle Release Authorization form to the Juvenile Section.

512.6 JUVENILE SECTION RESPONSIBILITIES

The Juvenile Section shall maintain the Vehicle Evidence Log Book and shall ensure it is completed when a vehicle is placed in the Evidence Cage. Juvenile Intake personnel shall

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sign the impoundment form upon accepting custody of a motor vehicle to be placed in the Evidence Cage. A copy of the impoundment form shall be obtained by Juvenile personnel. The Juvenile Section shall maintain a copy of all keys related to the Evidence Cage and shall ensure they are accounted for at all times.

512.7 RELEASE OF IMPOUNDED MOTOR VEHICLES

Impounded motor vehicles may be designated for release by the investigating officer and/or the Office of the District Attorney at any time during the investigation.

Motor vehicles not designated for release by the investigating officer and/or the Office of the District Attorney shall be held as follows:

(a) Motor vehicles which are evidence in a crime for which State charges are pending shall be held until released by the Office of the District Attorney.

(b) Motor vehicles which are held for minor offenses (violation of municipal ordinance) may be impounded for five days.

(c) Motor vehicles held for investigatory purposes, where no arrest has been made and the offense involves a violation of state statute, may be held for a period of thirty-days. Investigating officers may request that a vehicle be held for an extended period of up to thirty (30) additional days. This request shall be made in writing to the Auto Pound. Any requests for impoundment beyond the thirty additional days shall be made in writing and approved by the Investigating Officer's Bureau Chief.

Persons seeking release of impounded motor vehicles shall be advised to do so during office hours of the Department of Public Works, Auto Pound: Monday through Friday, excluding holidays, from 8:00 A.M. to 4:00 P.M.

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Driving While Intoxicated and Impaired Driving Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated (DWI) or other impaired driving and unconscious drivers who are suspected of impaired driving (La. R.S. § 32:661((A)(2)(a); La. R.S. § 32:661((A)(3)).

514.2 POLICY

The New Orleans Police Department enforces DWI and impaired driving laws, including enforcement of zero tolerance laws.

514.3 ENFORCEMENT

An officer must establish probable cause based on the officer's observation of a violation(s) of traffic laws and/or driving behaviors which are recognized as indicative of impaired driving prior to stopping a vehicle for suspected DWI activity.

Officers should not enforce DWI or impaired driving laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. However, all officers are expected to enforce these laws with due diligence that is expected to address these potentially life-threatening violations of the law.

Officers who have detained a person for suspicion of DWI or impaired driving may transfer enforcement actions to another peace officer when there is a rational basis for doing so. Examples may include, but aren't limited to, when the other peace officer has a primary traffic or DWI enforcement assignment. Transfer of such enforcement to another officer merely because the other officer has a preference for engaging in DWI enforcement is not appropriate.

The Traffic Section Commander is responsible for providing a traffic officer certified to conduct DWI testing twenty-four hours a day. If a traffic officer cannot be contacted via radio communications, the investigating officer shall notify his/her supervisor. The supervisor shall contact the Command Desk and request the on-duty Traffic Officer be notified.

514.4 REPORT FORMS AND GUIDES

514.4.1 SUPERVISOR RESPONSIBILITY

The Traffic Section's DWI Supervisor is responsible for maintaining report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency.

The Traffic Section Supervisor should consult with the appropriate District Attorney to ensure the report forms and/or guides provide content that will ensure investigations both protect the rights of an arrestee and provide relevant information. The content of the forms and/or checklists should address:

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(a) The standard field sobriety tests (SFST) that will be administered by officers to persons suspected of impaired driving, when circumstances permit.

(b) Proper differentiation is to be made between anonymous reporters and those who may be identified but who have requested to remain confidential.

(c) Witness(es) statements, including witnesses who may have reported a suspected impaired driver to the Communications Center.

(d) The documentation of all points at which an arrestee may have been audio and/or video recorded are.

(e) The time or time frame of when the operation of a vehicle occurred and how that time or time frame was determined.

(f) Prior related convictions in this state, or any other state, have been researched and documented.

514.4.2 OFFICER RESPONSIBILITY

Officers shall utilize authorized forms and guides in all DWI investigations and complete each form section as appropriate. Details documented on the forms are not required to be duplicated in the narrative portion of the report unless further clarity is warranted.

514.5 FIELD TESTS

An Officer shall use the SFST and an authorized alternative test in their investigation of a person suspected of DWI.

The Traffic Section Supervisor shall utilize some or all of the following resources in establishing and maintaining the list of tests to be used:

(a) The appropriate prosecuting attorney's office

(b) National Highway Traffic Safety Administration (NHTSA)

(c) Department of Public Safety and Corrections (DPSC) pursuant to La. R.S. § 32:661(A)(1).

(d) Attorney General

(e) Other relevant subject matter experts

514.6 RELEASE

In instances where officers lack sufficient evidence to arrest a detained person for DWI, general precautions should be taken to protect the public while balancing the person's protections under state and federal law. Officers may request, though not require, that the person contact an alternate means of transportation. Officers should document in the appropriate call log the reasons for the contact and ultimate release of such individuals.

All persons suspected of DWI shall be physically arrested when probable cause exists. An Upon Notice can be issued in lieu of a physical arrest under limited circumstances. An officer shall not issue an Upon Notice without obtaining permission from a Traffic Supervisor. If permission is obtained to issue an Upon Notice the reason for the issuance and the Traffic Section Supervisor's name shall be included in the narrative of the report.

514.7 CHEMICAL TESTS

Officers may obtain a chemical test(s) sample from any person suspected of DWI or driving while impaired. Officers should use the following chemical test(s) to determine blood alcohol content level:

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- Breath Sample
- Blood Sample
- Urine Sample

514.7.1 BREATH SAMPLES

The Traffic Section Supervisor will ensure all devices used for the collection and analysis of breath samples are properly serviced and tested, and applicable records of such are maintained for court purposes. Only officers certified by the Louisiana Department of Public Safety and Corrections are authorized to operate an approved breath testing machine.

The arrested person shall be transported to the Special Operations Traffic Division. The Special Operations Traffic Section facility shall be the primary facility used to conduct the breath test.

The New Orleans Police Department has equipped the Special Operations DWI Testing Room with a Digital Video Audio Recording (DMVAR) system. The system is designed to assist and complement patrol officers in the performance of their duties. The system shall be used to record all encounters with an arrested subject upon entering the testing room, thereby creating an unbiased visual and/or audio record of the incident and a supplement to the officer's report as (La. R.S. 32:365B).

514.7.2 BLOOD SAMPLES

A blood specimen maybe requested when the person was involved in a crash resulting in serious bodily injury, and/or death. Injured persons suspected of DWI shall be transported to a medical facility. If the investigating officer believes a person is impaired and he/she shall be transported to a medical facility, the investigating officer shall immediately request a Traffic Section officer to assist with obtaining a blood specimen. The investigating officer or designee shall relocate to the medical facility with the subject to ensure the subject is not released by medical personnel. The investigating officer shall notify medical personnel that the subject is under investigation for DWI and a blood sample is needed.

Only persons authorized by law may withdraw a blood sample under (La. R.S. § 32:664(A)). The withdrawal of the blood sample shall be witnessed by the assigned officer. Officers, even if properly certified, shall not conduct the blood withdrawal.

If it is not already indicated on mandatory advisories, officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for testing. Unless medical personnel object, any time an officer obtains a blood sample from a person, two samples should be drawn and retained as evidence so long as only one puncture is required.

Blood collection kits approved by the Louisiana Department of Public Safety for the purpose of determining blood alcohol content are the only blood kits authorized by the New Orleans Police Department.

The arresting officer shall contact the Traffic Section regarding all DWI arrests requiring blood analysis testing for further information regarding the follow-up investigation. If blood analysis is required for a person involved in an auto crash, the investigation must indicate such in the crash report. Upon receiving the blood analysis results, the investigating officer is responsible for completing a supplemental crash report documenting the results.

The arresting officer shall be responsible for transporting the blood sample to the Central Evidence and Property Section where the proper forms, including a crime lab examination

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request form, shall be completed. Traffic Section personnel shall retrieve the blood kits and transport it to the appropriate crime lab within seven days of collection.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. The inability to take a blood test shall not be considered a refusal. However, the person may be required to complete a remaining available test.

Central Evidence and Property shall be responsible for ensuring that all blood specimens are routed to the appropriate lab as required for accurate processing. Central Evidence and Property is also responsible for obtaining and forwarding the labs results to the Louisiana Department of Transportation and Development and prosecuting attorney's office.

The coroner shall conduct a chemical test of the blood of any traffic fatality victim (La. R.S. 32:661).

514.7.3 URINE SAMPLES

Officers authorized to collect urine shall do so in a manner to protect the subject's privacy. Urine shall be collected using an approved Louisiana Department of Public Safety urine kit.

514.8 AUTHORITY TO CONDUCT A CHEMICAL TEST

A person is deemed to have consented to a chemical test or tests under any of the following circumstances (La. R.S. § 661(A)):

(a) The arresting officer has reasonable grounds to believe the person was driving or in physical control of a motor vehicle while believed to be under the influence of alcoholic beverages or any controlled substance.

(b) The person was arrested for an offense committed while the person was driving or in physical control of a motor vehicle while believed to be under the influence of alcoholic beverages or any controlled substance.

(c) An officer has stopped a person under the age of 21 and has reasonable grounds to believe the person was operating or in physical control of a motor vehicle after having consumed alcoholic beverages.

(d) The person is a victim of a traffic fatality.

514.8.1 OFFICER RESPONSIBILITY - CHEMICAL TESTING

Officers requesting a person to submit to a chemical test shall:

(a) Read the required information and admonishments from the Department of Public Safety and Corrections (DPSC) standardized form (La. R.S. § 32:661(C)(1)):

(b) After reading the form, request that the person sign the form. If the person is unable or unwilling to sign, the officer shall certify that the person was advised of the information contained in the form and that the person was unable or refused to sign (La. R.S. § 32:661(C)(2)).

(c) Forward a report to the Department of Transportation and Development (La. R.S. § 32:666(B)):

    1. Certifying that there were reasonable grounds to believe the person was operating a motor vehicle while under the influence of alcohol or controlled substances.

    2. Certifying that the person was informed of his/her rights in accordance with state law.

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3. Provides complete information regarding the chemical test that is available at the time the certified report is completed.

After being advised of his/her rights, the person shall be given the opportunity to telephone and request a qualified person of his/her own choosing to administer a secondary chemical test after submitting to the department chemical test (La. R.S. § 32:664(B)). The person shall be responsible for any costs associated with the secondary test.

514.8.2 OFFICER RESPONIBILITY - REFUSALS

When a person is required to provide a chemical sample but refuses, officers should (La. R.S. § 32:666(A)(2)):

(a) Advise the person of the consequences of the refusal.

(b) Audio record the admonishment and response given.

(c) Seize the person's driver's license.

(d) Document the refusal in a certified report to be forwarded to the Department of Transportation and Development that:

1. There were reasonable grounds to believe the person was operating a motor while under the influence of alcohol or controlled substances.
2. The person was informed of his/her rights in accordance with state law.
3. Provides complete information regarding the chemical test that is available at the time the certified report is completed.

514.8.3 AUTHORIZATION TO FORCIBLY COMPEL A BLOOD SAMPLE

Louisiana law prohibits a person arrested for operating a vehicle while intoxicated to refuse to take a chemical test when the person (La. R.S. § 14:98.2(A); La. R.S. § 32:661(C)(1(f); La. R.S. § 32:666(A)(1)):

(a) Has refused a chemical test on two previous and separate occasions.

(b) Was involved in a traffic crash that resulted in a fatality or serious bodily injury.

514.9 LEGAL MANDATES AND RELEVANT LAWS

514.9.1 ARREST AND INVESTIGATION

An officer may make a warrantless arrest of a person that the officer has reasonable grounds to believe has violated the DWI laws of this state, whether or not the officer observed the violation firsthand (La. R.S. § 14:98; La. R.S. § 14:98.1).

The forms listed below shall be delivered to Central Lock Up with the arrested subject:

(a) Rights Relating to Chemical Test for Intoxication, court copy;

(b) Copy of traffic arrest location information;

(c) Photocopy of the Louisiana Uniform Field Sobriety Test;

(d) Photocopy of the Intoxilyzer 5000 Operational Check List;

(e) Photocopy of Intoxilyzer 5000 Test printout result;

(f) Photocopy of the Uniform Arrest Report; and

(g) The arrest affidavit.

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514.9.2 SEIZURE OF LICENSE

An officer arresting a person for driving while intoxicated where the arrested person (La. R.S. § 32:667):

(a) Refuses a chemical test or whose test indicates a blood alcohol level at or above 0.08 percent or above or, if the person is under the age of twenty-one years, a blood alcohol level at or above 0.02 percent the officer shall:

1. Seize the arrestee's driver's license and issue a temporary receipt of license as approved by the Department of Public Safety and Corrections.
2. Provide notice to the arrestee that within fifteen days of the arrest they may make a written request to the Department of Public Safety and Corrections for an administrative hearing.

(b) Submits to an approved chemical test for intoxication, but the results of the test are not immediately available, the officer shall:

1. Seize the arrestee's driver's license and issue a temporary receipt of license as approved by the Department of Public Safety and Corrections.
2. Provide notice to the arrestee that within fifteen days of the arrest they may make a written request to the Department of Public Safety and Corrections for an administrative hearing.
3. After thirty days from the date of arrest if test results have not been received or if the blood alcohol level was not at or above 0.08 percent or above or, if the person is under the age of twenty-one years, a blood alcohol level was not at or above 0.02 percent the license shall be returned.

514.9.3 UNDERAGE DRIVING UNDER THE INFLUENCE

Individuals under the age of 21 are deemed to have consented to providing a chemical sample when an officer has stopped or arrested the individual and has reasonable grounds to believe that he/she was operating a motor vehicle while intoxicated (La. R.S. § 32:661(A)(1)).

514.9.4 CRASHES

Officers investigating a person for DWI shall obtain a chemical sample if the person was involved in an accident that resulted in a fatality or serious physical injury.

A person who is dead, unconscious or otherwise in a condition rendering him/her incapable of refusal is deemed not to have withdrawn consent (La. R.S. § 661(B)).

Whenever a district unit requests a DWI officer for a suspect involved in a motor vehicle

accident (no injury), the district unit shall be responsible for transporting the suspect to Central Lock Up once all testing and paperwork is completed. The DWI officer may relocate the suspect from the accident scene to the testing facility when feasible. The Traffic Section is responsible for DWI support 24 hrs a day, therefore, picking up a subject may not be feasible due to demands from other departmental personnel.

514.9.5 ARRESTED PERSON'S VEHICLE

The vehicle driven by a person arrested for driving while intoxicated shall be released as follows (La. R.S. § 32:667(4)):

(a) If operable, to a passenger who is not under the influence of alcohol has a valid driver's license and the officer shall not order or procure towing of the vehicle.

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(b) if not a hazard, or an obstruction to traffic and motorists, and if there is no passenger who is not under the influence of alcohol and has a valid driver's license, the officer shall allow the arrestee a reasonable time and opportunity to contact another person to take possession or control of the vehicle before ordering or procuring towing of the vehicle.

514.9.6 STATE REPORTING

The Traffic Section Supervisor shall ensure that the department complies with all state reporting requirements pursuant to (La. R.S. 15:1228.9(D); La. R.S. § 32:666(B)).

514.10 CASE HANDLING

The Traffic Section shall forward all records related to the arrest of a person for DWI to the appropriate District Attorney. This will include the following:

(a) The main case report

(b) All recordings and photographs in a format accessible to the District Attorney

(c) Accident reports, if applicable

(d) Related DPSC documents

(e) Booking screening form

(f) Vehicle impound documents, if applicable

(g) The Communications Center log or record

514.11 ROADSIDE SAFETY CHECKPOINTS

It shall be the policy of the New Orleans Police Department to implement a Roadside Safety Checkpoint (RSC) Program. To ensure standardization of this program, a clear and concise set of written guidelines has been developed governing the operation of checkpoints throughout the state. To implement this policy the Department shall satisfy federal, state, and local requirements, including (La. R.S. 32:295.4):

(a) Department supervisory or other administrative personnel shall establish and provide the location, time, and duration for seat belt and compulsory motor vehicle liability security checkpoints in written form by supervisory or other administrative personnel of the law enforcement agency rather than the field officers implementing the checkpoint.

(b) Providing advance warning to the approaching motorists with signs, flares, and other indications to warn motorists of an impending stop and to provide indication of its official nature as a police checkpoint.

(c) Ensuring detention of motorists for a minimal length of time.

(d) Use of a systematic, nonrandom criteria for stopping motorists.

(e) Conduct checkpoints with a minimum amount of intrusion or motorist inconvenience.

(f) Assuring for the safety of the motoring public as well as law enforcement officers involved.

(g) Objective site selection process based on relevant data.

(h) Use of a systematic procedure for data collection to monitor and ensure the standardization and consistency of the checkpoint program.

Motorist shall not be detained except as provided herein unless there is articulable probable cause, or reasonable suspicion sufficient to justify a belief in the existence of another offense and shall be detained only as long as reasonable necessary.

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Commissioned officers from other Districts and Bureaus may participate in checkpoints established by the Traffic Section if they are at least SFST trained and certified.

514.11.1 SOBRIETY CHECKPOINTS

Sobriety checkpoints will be authorized by the Traffic Section Commander. The checkpoint will be supervised by a Traffic Section Supervisor. Sobriety checkpoints shall be conducted in accordance with current departmental policy/procedures and laws governing checkpoint operations (La. R.S. 32:295.4):

(a) The supervisor authorizing the checkpoint shall designate one of the officers present during the checkpoint activity to complete an incident report on the matter utilizing signal 21. The supervisor may elect to complete this report, if he/she is present at the checkpoint. The report should include, at least, the following information:

1. The location, time, and actual duration of the checkpoint.
2. How specific instructions regarding the operation of the checkpoint were executed.
3. The methodology used to stop vehicles in a systematic, non-random manner.
4. The number of vehicles checked; and the officer doing the counting
5. The number of citations issued.
6. The number of arrests, if any, the associated item number(s), if any, and respective signals resulting from the operation of the checkpoint.

(b) The Department must be able to objectively outline criteria utilized in the site selection process:

1. Alcohol/Drug related Traffic experiences.
   (a) Unusual incidence of alcohol/drug related crashes.
   (b) Alcohol/drug impaired driving violations.
   (c) Unusual number of nighttime signal vehicle crashes.
   (d) Any other documented alcohol/drug related vehicular incidents.
2. The site should have maximum visibility from every direction and sufficient illumination. If permanent lighting is unavailable, ensure that lighting is provided with the use of portable lighting or the use of spotlights or vehicle headlights.

514.12 TRAINING

The Training Manager should ensure that appropriate training is provided for officers participating in enforcement of DWI laws.

The Traffic Section Supervisor should relate any training issues to the Training Manager as they become apparent, such as information from the District Attorney's Office that is relevant to improving the department's investigations.

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Speed Measuring Devices

515.1 PURPOSE AND SCOPE

This policy provides guidelines for use, training, maintenance, and equipment specifications for speed measuring devices.

515.2 POLICY

Only department owned radar devices will be used by officers of the New Orleans Police Department.

Prior to district patrol officers engaging in radar checkpoints, they will obtain permission from their platoon supervisor.

All speed measuring devices must have certifications that meet the performance standards for such devices as proposed by the National Highway Traffic Safety Administration (NHTSA) as published in the Federal Register Volume 46, No. 5 Performance Standards for Speed Measuring Radar Devices (46 FR 56823).

Radar units shall be designed to operate in the 10.525 GHZ frequency range (X-Band), 24.050-24.250 GHZ frequency range (K-Band), or 32.050-36.200 GHZ frequency range (KA-Band). All radar units must have a Doppler audio speaker operating in the 300 Hz-4 KHz frequency range.

Radar units shall have a self-test feature to test the internal circuits and light emitting diodes. Each radar unit shall have a tuning fork that the factory sent with that particular radar unit to test the antenna.

515.3 OFFICER RESPONSIBILITIES

Officers shall operate all radar units as directed by the manufacturer and the NHTSA.

All radar units must be tested according to manufacturers' guidelines prior to use. The officer shall conduct the following tests at the beginning and end of each tour of duty that the radar shall be used:

(a) An internal calibration test;

(b) An external, tuning fork test; and

(c) A light, or LED, test.

These tests shall be documented in a log book that shall be kept for each radar unit. These log books shall be maintained by the Platoon Supervisor.

Officers shall complete the New Orleans Police Department radar certification course and pass the final exam with a minimum score of 75% and demonstrate field proficiency before operation of a radar unit. The Traffic Division shall maintain records of all officers certified to operate radar units. A copy of the certification shall be forwarded to the Education and Training Division to be included in the officer's certification file.

Officers shall be re certified every two years.

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515.4 MAINTENANCE

Officers shall properly store all radar units when not in use.

All radar units are subject to periodic bench tests to be conducted by an electronic technician possessing the necessary FCC license(s) pertaining to electronic radiolocation speed measuring devices at least every two years, or according to factory instructions if more restrictive.

The Special Operations Division - Traffic Section shall keep all maintenance records for radar units. For radar units housed within other units/divisions, that unit shall keep a copy of the maintenance records in its files.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data and the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Traffic Section Supervisor shall be responsible for obtaining all department traffic citations, including electronic tickets, in accordance with state law (La. R.S. 32:398.1).

The Print Shop shall be responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location. Employees shall sign for the citation books when issued (La. R.S. 32:398.1(B)).

Employees shall return to the Print Shop a copy of all citations that have been (La. R.S. 32:398.2(D)):

(a) Issued to an alleged violator of a traffic law or ordinance.

(b) Spoiled or on which any entry has been made but not issued to an alleged violator.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Print Shop (La. R.S. 32:398.2(C)).

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to cancel or dismiss a citation once it has been issued (La. R.S. 32:398.3(A)). Only the court or prosecuting attorney has the authority to dismiss a citation that has been issued (La. R.S. 32:398.2(F)).

Any request from the issuing employee to dismiss a citation requires completion and submission of a request for dismissal Form #40.

All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Section (La. R.S. 32:398.2(D)).

Employees shall dispose of or destroy a traffic citation, or copies thereof, or of the record of the issuance of the citation, in a manner that is consistent with state law (La. R.S. 32:398.2(C)).

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the employee issuing the citation shall submit the citation and a Form #40 requesting a specific correction to his/her

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immediate supervisor. The citation and Form #40 shall then be forwarded to the Traffic Court.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review, then to the Traffic Section, which will deposit the citation with the court having jurisdiction over the alleged offense or with the appropriate traffic violations bureau.

516.7 JUVENILE CITATIONS

Completion of traffic citations issued to juveniles varies from the procedure for adults. Dates for appearance are set by the Juvenile Court.

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Parking Citations - Voiding

517.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines for issuing parking citations, the proper procedure for voiding citations containing errors, and the forwarding of citations to the Ticket Processing Unit.

517.2 POLICY

Parking citations shall be completed in their entirety using a black ballpoint pen. The issuing officer shall use sufficient pressure to ensure all copies of the citation are readable.

517.3 PROCEDURE FOR VOIDING PARKING CITATIONS

Citations containing errors, omissions, or write-over's will be returned to the issuing unit for correction and/or voiding.

Parking citations shall be voided in the following manner:

(a) Neatly print the work ERROR/VOID across the face of the citation.

(b) Complete the next citation (consecutive number, or as close as possible) ensuring the error is corrected.

(c) Complete Request to Void Parking Citation (Form 40).

(d) Attach the voided citation and a photocopy of the corrected citation to the Request to Void Parking Citation (Form 40).

(e) Forward the Request to Void Parking Citation (Form 40) to the Ticket Processing Unit within three days of issuance.

Parking citations shall be submitted to the Ticket Processing Unit.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the New Orleans Police Department guidance for providing assistance to motorists in disabled vehicles within this jurisdiction.

520.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle or receives a dispatch from Communications Services, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

Officers coming upon a stranded motorist or being dispatched to the scene of a motorist in need of aid shall provide for the motorist's and occupant's safety. Officers shall advise dispatch to notify the Motorist Assistance Patrol (MAP).

Generally, assistance shall be provided as outlined below, but is not limited to the examples given.

(a) Officers shall transport drivers and occupants to a location where they may secure assistance from qualified individuals.

(b) Officers shall summon fire suppression personnel in the event of fire or leaking fuel from a vehicle.

(c) Officers shall assist in the removal from the roadway, if practical, any vehicle causing a hazard to traffic.

Officers shall not summon private tow wagons to the scene of disabled vehicles unless a particular vendor is requested by the operator of the vehicle.

Officers shall not recommend any particular tow wagon service to the operator of a motor vehicle in need of such service.

If an officer determines a vehicle must be immediately removed from the roadway and the operator cannot provide for its immediate removal, the officer on the scene shall contact the TAO on DSP TAO informing them of the need for the vehicle to be immediately removed. TAO operator shall order the appropriate tow service as provided for by current city ordinance and departmental procedure.

520.3.1 ABANDONED VEHICLES

Officers conducting investigations relative to abandoned vehicles shall proceed as follows:

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(a) The vehicle under investigation shall be checked through NCIC to determine whether or not the vehicle has been stolen.

(b) If the vehicle is reported as stolen, the necessary reports shall be completed and the incident handled as per current departmental procedure.

(c) If the vehicle is not stolen, the officer will attempt to contact the registered owner and notify him/her of the vehicle's whereabouts and condition.

(d) If the vehicle has been stripped or is in a junk condition, the investigating officer shall request Command Desk notify the District Quality of Life Officer. The investigating officer shall also send an interoffice correspondence to the district QOL regarding the location and description of the vehicle.

(e) The District QOL officer is responsible for tagging and notifying the appropriate city agency responsible for the removal of junk vehicles, requesting the vehicle be removed.

(f) A police report shall be completed on all vehicles towed or removed from a city street on the authority of an investigating or district QOL officer. All required forms necessary for the towing of a vehicle shall be completed and made part of the report.

520.3.2 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

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Abandoned Motor Vehicles

524.1 PURPOSE AND SCOPE

This policy covers the process for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws (La. R.S. 32:473.1; La. R.S. 32:474).

524.1.1 DEFINITIONS

Definitions related to this policy include (New Orleans City Code § 38-31):

Abandoned motor vehicle - Any motor vehicle that is:

(a) Left upon a public street or highway in violation of a law or ordinance prohibiting parking.

(b) Inoperable and is left unattended on public property for more than three days, or is inoperable and left unattended on the shoulder or right-of-way of an interstate or a four-lane highway for more than three days, or that has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

(c) Left on property owned or operated by the city for a period of more than three days.

(d) Left on private property without the consent of the owner, person in control of the property, occupant or lessee thereof for more than three days.

524.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Louisiana laws shall be marked and noted on the New Orleans Police Department marked vehicle card or documented via the computer aided dispatch (CAD) system. No case number is required at this time.

(a) The vehicle under investigation shall be checked through NCIC to determine whether or not the vehicle has been stolen.

(b) If the vehicle is reported as stolen, the necessary reports shall be completed and the incident handled as per current departmental policy/procedure.

(c) If the vehicle is not stolen, the officer will attempt to contact the registered owner and notify him/her of the vehicle's whereabouts and condition.

(d) If the vehicle has been stripped or is in a junk condition the appropriate city agency responsible for the removal of junk vehicles shall be notified and a request made to have the vehicle removed.

(e) A police report shall be completed on all vehicles towed or removed from a city street on the authority of an investigating officer. All required forms necessary for the towing of a vehicle shall be completed and made part of the report.

Officers shall post a notice on the windshield of a suspected abandoned vehicle directing that the vehicle be removed from said location within 48 hours (La. R.S. 32:473.1(A)).

All marked vehicle cards shall be submitted to the Traffic Unit for computer data entry unless documented via the CAD system.

If a marked vehicle has been moved or the markings have been removed during the 48-hour observation period, the vehicle shall be marked again for the violation and the

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48-hour observation period and a marked vehicle card completed and forwarded to the Traffic Section or a CAD update completed.

524.3 VEHICLE IMPOUND

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service and a Department Impoundment Form (Form 10) shall be completed by the officer authorizing the removal of the vehicle.

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Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The New Orleans Police Department will conduct investigations in a manner that preserves and protects the Constitutional rights of all. When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance and/or presentation to a prosecutor for filing criminal charges.

600.1.1 DEFINITIONS

Definitions related to this policy include:

Custodial interrogations - Interviews that take place after a person has been taken into custody.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. An examination for possible evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Platoon Commander.
4. Interview all available victims, informants, complainants, witnesses and suspects.
5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
6. Collect any evidence.
7. Take any appropriate law enforcement action.
8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Custodial interrogations are to be conducted professionally and effectively, so as to elicit accurate and reliable information.

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Suspects who are in custody and subjected to an interrogation shall generally be read their *Miranda* rights unless an exception applies.

Officers shall not use physical violence or make threats to carry out harm to the individual or the individual's family during custodial interrogations.

Officer shall not conduct pre-interviews . All portions of any interrogation shall be recorded.

600.3.1 RECORDING CUSTODIAL INTERROGATIONS

Any custodial interrogation that takes place in a police facility of any person, or any person who is suspected of having committed any violent felony offense, to include homicides or sexual assaults, shall be video and audio recorded in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure video and/or audio recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

At no time shall recording equipment be turned off unless the suspect states\d that he/she does not want the interview to be recorded. Should the suspect request that he/she the interview not be recorded, the officer conducting the interview shall ensure this request has been audio and/or digitally recorded, in addition to, documenting the request in the case report.

If the interrogation cannot be video recorded due to equipment failure or malfunction, the investigating officer shall record the interrogation by means of a digital or cassette recorder. Any equipment failure shall be explained and documented in the case report and case file. Any failure of equipment shall be documented and forwarded to the Deputy Superintendent of the Investigation and Support Bureau via the officer's chain of command.

Officers shall maintain in the case file his/her notes taken during interviews and interrogations.

600.4 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer shall complete a supplemental report and notify the prosecutor as soon as practicable.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written document or e-mail to an appropriate prosecutor. A copy of the document or e-mail should be retained in the department case file.

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600.5 LANGUAGE ASSISTANCE

Upon the arrest of a person who is not proficient in English or has a communication disability and before interrogation or the taking of his/her statement, the officer, should make an interpreter available to that person. The officer should select a qualified interpreter from the New Orleans Police Department Authorized Interpreter list. If none is available, then an NOPD employee may be used as an interpreter.

NOPD employees should only be used as an interpreter during an interrogation if:

(a) They have identified themselves as officers or employees of the Department;

(b) Are authorized as NOPD interpreters; and

(c) Are trained in using interpretation protocols consistent with best practices.

600.6 FOLLOW-UP INVESTIGATIONS

Follow-up investigations should be completed at the district level unless the investigation is transferred to another bureau or unit.

600.7 MODIFICATION OF CHARGES FILED

Employees should consult with a supervisor prior to recommending to the District Attorney, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. Engaging in discussions initiated by the prosecutor representing the District Attorney or City Attorney is not prohibited. However, in all cases resulting in court prosecution, any intent by a member of the Department to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Deputy Superintendent or the Superintendent or the authorized designee prior to taking action.

600.8 TRAINING

Officers should receive training in conducting preliminary investigations prior to assignment to any investigative duties. Officers assigned to investigative follow-up or advanced investigations, or upon assignment to the Investigations and Support Bureau, should have completed training in follow-up investigations. This training shall include:

(a) Legal standards.

(b) Ethics.

(c) The mechanics of conducting effective and constitutional investigations.

(d) Causes for investigative failures.

(e) False confessions.

Officers assigned to any investigative unit (District Investigative Unit and units within the Investigation Support Bureau) are required to attend annual in-service training. This training shall include updates on and changes in the law regarding interrogations and confessions.

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Sex Crime Victim's Rights

602.1 PURPOSE AND SCOPE

This policy establishes a procedure by which sex crime victims may inquire about and be provided with information regarding the status of their case, their right to confidentiality and other rights afforded by law (La. Const. Art. 1 § 25).

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private. The name of any juvenile victim of a sex crime shall not be disseminated or published in a police report or departmental document (La. R.S. 46:1844(W)).

Officers may advise the victim regarding the state's Address Confidentiality Program (ACP) that can be applied through the Secretary of State (La. R.S. 44:52).

The Department shall withhold public access to, or dissemination of, information that would reveal the identity of a victim or alleged victim of criminal sexual conduct as allowed by law.

These rights are in addition to the aid provided to victims and outlined in the Victim and Witness Assistance Policy.

602.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex crime shall (La. R.S. 46:1844):

(a) As soon as available and appropriate, provide or inform each victim of the following services:

1. Provide a private setting to interview the victim (La. R.S. 46:1844(C)(2)).
2. Provide the victim with a Victim Information and Notification Form.
3. Information concerning the availability of victim and immediate family assistance, medical and emergency services, to include sexual assault or rape crisis centers.
4. The availability of reasonable protection from the person accused of committing a crime, including protective court orders.
5. The business address and telephone number of the District Attorney.
6. The file number of the case and the name, business address and telephone number of any officer assigned to investigate the case.
7. Services for child and elderly victims, including special services for those with disabilities.
8. Interpretation services and information printed in languages other than English.
9. Information regarding the suspect being taken into custody, released, or if the suspect has escaped.

(b) After the initial investigation, the officer handling the case shall also provide:

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1. Notification to a registered victim or family members regarding a suspect's release or escape if held in custody by this Department (La. R.S. 46:1844(A)(3)).
2. The status of the case and in a cold case, provide the victim information concerning any change in status if requested.
3. Notice to the victim of any final decision not to file charges unless this department and the District Attorney's Office have developed a separate policy specifying the manner of informing victims of decisions not to file charges.
4. The availability of public records related to the case.
5. Information concerning the availability of victim compensatory benefits and the name, address and telephone number of a contact person.
6. Referral to counseling facilities and community service agencies, including the names and telephone numbers, for crisis intervention, legal resources, mental health services, social services, rehabilitative services, financial assistance and other support services.
7. Assistance in notifying employers that the victim is needed in cooperation with the prosecution (La. R.S. 46:1844(E)).

602.3 FORENSIC MEDICAL EXAMINATION

Officers investigating or receiving a report of an alleged sex offense shall consider, if timely and with the consent of the victim or a person authorized to act on behalf of the victim, request a forensic medical examination of the victim. No New Orleans Police Department employee shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination.

602.4 TRUTH VERIFICATION EXAMINATION

Employees of the New Orleans Police Department shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation (La. R.S. 15:241(B)).

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed about the potential use of the result of the examination.

602.5 HUMAN TRAFFICKING VICTIMS

Any individual who is alleging that a violation of state law has occurred against his/her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386.

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses. For additional information see the Asset Seizure Manual.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Asset forfeiture agent - The employee assigned to be responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned Assistant District Attorney.

Fiscal agent - The person designated to be responsible for maintaining records of seized assets and the distribution of proceeds within the Department. This includes any time the New Orleans Police Department seizes property for forfeiture or when the New Orleans Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or another authority.

Property - Anything of value, including movables and immovables, including the whole of any lot or tract of land, and corporeal and incorporeal movable property, including currency, instruments or securities, or any other kind of privilege, claim or right, and includes any interest therein (La. R.S. 40:2601(4)).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The New Orleans Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, or of officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the New Orleans Police Department that all employees, including employees assigned to internal or external law enforcement task force operations shall comply with all state and federal laws pertaining to asset seizure and forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

If the conduct or crime gives rise to forfeiture under the law, then the following may be seized upon review and approval of a supervisor and in coordination with the forfeiture agent (La. R.S. 40:2603).

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(a) The property is subject to seizure and forfeiture as contraband, derivative contraband or property related to contraband under the provision of Section 4, Article 1 of the Louisiana Constitution (La. R.S. 40:2604).

(b) The property is seized incident to a lawful arrest, search or inspection when the officer has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized.

A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) A property interest that is exempt from forfeiture under the law, including when the owner or holder establishes all of the following (La. R.S. 40:2605):

1. That he/she is not legally accountable for the conduct giving rise to its forfeiture, did not consent to it and did not know and could not reasonably have known of the conduct or that it was likely to occur.
2. That he/she had not acquired and did not stand to acquire substantial proceeds from the conduct giving rise to its forfeiture other than as an interest holder in bona fide commercial transaction.
3. That with respect to conveyances for transportation only, he/she did not hold the property jointly, in common or in community with a person whose conduct gave rise to its forfeiture.
4. That he/she does not hold the property for the benefit of or as an agent for any person whose conduct gave rise to its forfeiture, and if the owner or interest holder acquired his/her interest through any such person, the owner or interest holder acquired it as a bona fide purchaser for value not knowingly taking part in an illegal transaction.
5. That no person whose conduct gave rise to its forfeiture had the authority to convey the interest to a bona fide purchaser for value at the time of the conduct.
6. That the owner or interest holder acquired the interest after the completion of the conduct giving rise to its forfeiture and that the owner or interest holder acquired the interest under all of the following conditions:
   (a) As a bona fide purchaser for value who was not knowingly taking part in an illegal transaction.
   (b) Before the filing of a forfeiture lien on it and before the effective date of a Notice of Pending Forfeiture relating to it, and without notice of its seizure for forfeiture.
   (c) At the time the interest was acquired, there was no reasonable cause to believe that the property was subject to forfeiture or likely to become subject to forfeiture.

(b) Cash and property that may be lawfully seized but that does not meet the current minimum forfeiture thresholds of the District Attorney or Attorney General.

606.4 PROCESSING FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

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(a) Complete applicable seizures forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person specifying the items seized. When property is seized and no one claims possession of the property, the officer must leave the copy in the place where the property was found if it is reasonable to do so.

(b) Immediately complete a police incident report documenting a complete and accurate inventory of the property or evidence seized, and submit the property or evidence seized to Central Evidence and Property before the end of the shift. All documentation of seizure shall be submitted to the officer's supervisor by the end of his/her shift. The officer will book seized property as evidence with a detailed, complete inventory and an estimated value of the property in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form (La. R.S. 40:2607(C)).

(c) When completed, immediately forward original seizure forms and a copy of the related incident report to the Asset Forfeiture Section. A copy of the original seizure forms shall be submitted with the incident report for approval.

(d) Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

(e) Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, the property is real estate, bank accounts or non-tangible assets) should document the information in an incident report and forward a copy of the approved incident report to the Asset Forfeiture Section.

606.5 MAINTAINING SEIZED PROPERTY

The Central Evidence and Property Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property, except currency, received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or person with an ownership interest. Currency is handled per current Central Evidence and Property procedures.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 ASSET FORFEITURE AGENT

The Superintendent of Police will appoint an officer as the asset forfeiture agent. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture agent should attend a department-approved course on asset forfeiture.

The responsibilities of the asset forfeiture agent include the following:

(a) Review each seizure-related case and determine whether state or federal seizure attempts should be made. Contact federal authorities when pursuing federal seizure, as appropriate.

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(b) File a court order for a seizure warrant within 72 hours, excluding weekends and holidays, of the seizure to hold the property pending forfeiture, unless such a warrant has been previously obtained (La. R.S. 40:2606).

(c) Remain familiar with forfeiture laws, particularly the Asset Forfeiture Code of Professional Conduct, the Seizure and Controlled Dangerous Substances Property Forfeiture Act (La. R.S. 40:2601 et seq.), and the forfeiture policies of the District Attorney or Attorney General.

(d) Serve as the liaison between the Department and the District Attorney or Attorney General.

(e) If a seizure is directed by the District Attorney, the District Attorney shall be notified of the results within 10 days (La. R.S. 40:2606(D)).

(f) Ensure responsibilities, including designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(g) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to interest holders of seized property.
4. Property is promptly released to those entitled to its return.

(h) Forward changes to forfeiture status to any supervisor who initiates a forfeiture case.

(i) Deposit cash at the Central Evidence and Property Section.

(j) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

(k) Periodically review and update the required asset seizure manual, this policy and any related policies or procedures to reflect current federal and state statutes and case law.

(l) Ensure the Department disposes of property as provided by law following any forfeiture.

(m) Ensure that any forfeited property used in an undercover capacity or that is sold or added to the department's regular inventory is done according to law.

(n) Upon completion of any forfeiture process, ensure that no property is retained by the New Orleans Police Department unless authorized by the Commander of Major Case Narcotics and ensure the Superintendent of Police is notified, in writing, that the property is being retained for official use.

(o) Ensure that forfeiture reporting and expenditures are completed in the manner prescribed by the law and City financial directives.

606.6.1 MANAGEMENT SERVICES BUREAU

The Management Services Bureau is responsible for:

(a) Ensuring forfeiture proceeds are maintained in a separate fund or account that is subject to appropriate accounting control with annual financial audits of all deposits and expenditures.

(b) Ensuring forfeiture reporting and expenditures are completed in the manner prescribed by the law and City financial directives.

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(c) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensure that seizure forms are available and appropriate for department use. This includes Notice of Pending Forfeiture Forms that contains the legal authority for the seizure and information regarding the process to contest the seizure, a detailed description of the items seized (AFS Form 1-4), a receipt book (multipart) and a check-list (Form #262) to provide relevant guidance to officers on the process. The forms should contain places for:

1. Names and contact information for all relevant persons and peace officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A location for the signature of the person from whom cash or property is being seized.
4. A yellow copy of the receipt is to be given to the person from whom cash or property is being seized.

606.6.2 FORFEITURE CLAIMS

The Asset Forfeiture Agent should consult the Asset Seizure Manual regarding procedures for prompt notice to interest holders, the expeditious release of seized property where appropriate, and the prompt resolution of claims of innocent ownership.

606.7 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use or transfer property that has been seized for forfeiture until the forfeiture action has been completed and the official use has been authorized by the Commander of Major Case Narcotics, and the Superintendent of Police has given written notification of the retention for official use or other disposition. All property forfeited, except a motor vehicle, must be sold at public sale and the proceeds distributed according to law (La. R.S. 40:2616(A)(2).

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Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the New Orleans Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential informant/informer (CI) - A person who provides information about criminal activity to peace officers, whose identity is privileged in order to insulate the informant from retribution by those involved in crime.

Citizen informers - A person who provides useful investigative information and who will not be receiving special consideration or monetary gain for services rendered.

Paid informers - A person who provides useful investigative information to the Department in return for monetary gain.

Consideration informers - A person who provides useful investigative information to the Department in return for special consideration.

608.2 INFORMANT FILE SYSTEM

The Superintendent's authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and shall include the following information:

(a) Informant's name and/or aliases;

(b) Date of birth;

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features;

(d) Current home address and telephone numbers;

(e) Current employer, position, address and telephone numbers;

(f) Informant's photograph;

(g) Evidence that a criminal history check has been made and updated;

(h) Name of officer initiating use of the informant;

(i) Signed and dated informant agreement; and

(j) Update on active or inactive status of the informant.

The informant files shall be maintained in a secure area by the Superintendent's designee. These files shall be used to provide a source of background information about the informant,

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enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of members of New Orleans Police Department or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Superintendent of Police, his/her authorized designee. Access to the informant files shall be through the Superintendent's designee. The Superintendent's designee shall be responsible for maintaining a written log to record the identity of any authorized individual accessing an informant file, as well as the date, time and reason any file is accessed.

608.3 USE OF INFORMANTS

Any employee of the department may develop a confidential informer (CI). The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suit ability of the individual, including age, maturity and risk of physical harm. Prior to utilizing paid or consideration informers, the potential informer must:

(a) Be interviewed by the developing employee's supervisor;

(b) Complete an NOPD Cooperating Individual Information Form (Form #142);

(c) Be fingerprinted;

(d) Be photographed; and

(e) Complete and sign the NOPD Cooperating Individual Agreement Form (Form #139).

Any individual who develops into a paid or consideration informer shall be processed as stated above. This does not apply to citizens who provide information and who do not ask for money or special consideration. If it is known that the individual providing information is involved in criminal activity, then this individual shall be processed as a consideration informer.

608.3.1 CONSIDERATION INFORMERS

Prior to seeking special consideration for informers as to criminal charges pending, the employee must make a written application to his/her Bureau Deputy Superintendent. The application shall contain a complete criminal history of the informers, including his/her Triple III which is obtained from the National Crime Information Center (NCIC) and all information on his/her involvement or suspected involvement in felonious or violent activities.

The employee's Bureau Deputy Superintendent shall submit, in writing, his/her recommendations along with the application and informer history to the Superintendent. No action will be taken on behalf of the person until written approval has been received from the Superintendent. A copy of the approval/disapproval shall become part of the individual's file.

No department employee shall seek the release of a prisoner (ROR or other), a reduction of bond or sentence, suspended sentence, reduction of charges, or have a case refused except as outlined in this policy.

Nothing in this policy shall prohibit a department employee from seeking a legal and proper release of an immediately family member.

Employees of this department shall under that they may not intimate or give any individual the right to commit a criminal offense.

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608.3.2 PROBATION AND PAROLE

In all instances where an individual is under the supervision of the Probation and Parole Department, and the individual wishes to be a paid/consideration informer, the officer shall obtain the written permission from the individual's probation officer prior to using the individual as a paid informer or consideration informer.

608.3.3 JUVENILE INFORMANTS

Individuals under the age of seventeen years of age shall not be used as paid informers or consideration informers without the written approval of the Superintendent of Police and the parent/legal guardian of the juvenile.

A cooperating juvenile who assists this department in enforcement activities involving alcohol or tobacco retail sales to minors is not considered an informant for purposes of this policy.

608.4 GUIDELINES FOR HANDLING PAID/CONSIDERATION INFORMERS

Any potential confidential informer must be questioned as to whether they are providing information for any other member of this department or for members of other law enforcement agencies.

All confidential informants are required to sign and abide by the provisions of the Department Cooperating Individual Agreement Form. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

If a confidential informer violates the provisions of the Cooperating Individual Agreement by becoming involved in criminal activity, the officer maintaining the confidential informer shall notify the original witnessing supervisor and the Superintendent's office. At that time, the confidential informer shall be removed from active status. Should the original witnessing supervisor no longer be available, the officer maintaining the informer shall notify his current supervisor.

Individuals deactivated as confidential informer through violation of provisions of the Cooperating Individual Agreement may be re-established as a confidential informer with the approval of the current witnessing supervisor. The supervisor must weigh the potential usefulness of the CI against the liability of his/her criminal activity affecting potential cases. The procedure shall be the same as establishing a new confidential informer.

Once an individual is accepted as a Paid or Consideration informer, he/she shall be assigned a Code Number by the Superintendent of Police, or his/her designee. All references and documentation involving a paid/consideration informer shall be accomplished using the informer's code number.

Should the paid/consideration informant be of the opposite sex of the employee, contact shall be made with no less than two police officers, one of which shall hold any of the civil service police supervisory classifications.

608.4.1 CONTACT WITH INFORMER DOCUMENTATION

All contact between Department employees and informers shall be documented on an NOPD Cooperating Individual Contact Sheet (Form #140), which will be maintained in the employee's unit file. This information shall be turned in no later than the end of the

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employee's tour of duty or within the first hour of the employee's next tour of duty if the contact was made while the employee was off duty. Exceptions may be given on an individual basis by the employee's Bureau Deputy Superintendent.

608.4.2 SECURITY OF INFORMATION

The security of the informer's identity and the information received is of the utmost importance. All information shall be kept in a secure area, under lock and key, accessible only to those individuals privy to the information. Computer files containing information relative to paid/consideration informants shall be password protected and accessible only to those individuals privy to the information.

608.4.3 CONSIDERATION/PAID INFORMERS ACTIVITY STATUS

Consideration/Paid informers will stay active for a period of six months whether information has been received from a CI, even if the CI has not received funds from the department. Officers will maintain contact sheets when such information is received and maintain them as provided in the provisions of this policy. The officer shall forward copies to the Superintendent's Office with the payment packet. Contact sheets not resulting in immediate payments to CI's need not be forwarded immediately upon receipt of the information.

The Commander of the Major Case Narcotics section shall be responsible for ensuring a database is maintained consisting solely of the CI's Code Number and last date paid (exclusive of CI payments in bound book).

Inactive cooperating individuals will not be paid until they have been reactivated through the Superintendent's Office. Individuals wishing to be reactivated shall be processed as a new informer as outlined in this policy.

608.4.4 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the New Orleans Police Department shall knowingly maintain a business, personal, or social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the New Orleans Police Department shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be met:

(a) Officers shall not withhold the identity of an informant from the Superintendent of Police, his/her designee or the Commander of Major Case Narcotics;

(b) Identities of informants, juvenile or otherwise, shall otherwise be kept confidential;

(c) Criminal activity by informants shall not be condoned;

(d) Informants shall be told they are not acting as police officers, employees or agents of the New Orleans Police Department and that they shall not represent themselves as such. This agreement shall be memorialized in writing;

(e) The relationship between officers and informants shall always be ethical and professional;

(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor;

(g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Unit supervisor. Officers may meet informants alone in an occupied public place, such as a restaurant.

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When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer promptly; and

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large Departmental Funds to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

All payments made to a paid informer shall be made with the approval of the Commander of the Major Case Narcotics Section, or his/her designee.

All reference and documentation involving a Paid/Consideration informer shall be accomplished using the informer's Code Number.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any and all confidential informant(s) will be evaluated against the following criteria:

(a) The extent of the informant's personal involvement in the case.

(b) The significance, value or effect on crime.

(c) The amount of assets seized.

(d) The quantity of the drugs seized.

(e) The informant's previous criminal activity.

(f) The level of risk taken by the informant.

(g) Other factors that may motivate the informant.

Payments shall be documented on an NOPD Cooperating Individual Payment Receipt (Form #143) which will be signed by the employee making the payment, the informer using his code number, and the employee's supervisor, who must witness the payment. Officers shall complete the in-house Narcotics Funds Withdrawal form, complete with all required supervisory signatures, prior to accepting funds for informer payment.

608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant shall be told in advance or given an exact amount for services rendered.

When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of $6,000 without the prior approval of the Superintendent of Police.

The Narcotics Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

608.5.3 PAYMENT PROCESS

The cash amount will be paid to the case agent. The case number shall be recorded justifying the payment. The disbursement of money shall be handled in accordance with established state law and City policies, ordinances and protocols. The Commander of Major

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Case Narcotics, or his/her designee, will be required to sign the voucher for all payments. Any payment in excess of $1,000 must be approved by the Commander of Major Case Narcotics.

The Narcotics Unit confidential informant payment fund is a cash fund managed by the Commander of Major Case Narcotics or his/her designee in compliance with the Cash Handling Security and Management Policy. These funds shall be maintained in a locked cash box that is secured in a locked cabinet, desk or drawer in the commander of Major Case Narcotics' office, or the Office of the Confidential Informant Payment Coordinator. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The New Orleans Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informants file.

The Commander of the Major Case Narcotics Section shall maintain a bound book which records all transaction numbers for each payment. This book shall be kept in a secured location (e.g., locked desk, file cabinet, drawer). The following shall be recorded shall be:

(a) Date of payment.

(b) Location of incident.

(c) Contraband seized.

(d) Number of arrests.

(e) Name and signature of officer.

(f) Amount paid.

(g) Remaining balance in payment account.

608.5.4 SUPERINTENDENT'S OFFICE

A packet consisting of the following shall be forwarded to the Superintendent's Office within seven days of receipt of the payment funds:

(a) NOPD Cooperating Individual Payment Receipt.

(b) Narcotics Fund Withdrawal form.

(c) A copy of arrest report, if applicable.

The Superintendent or his/her designee shall stamp the packet received and give a copy to the officer. This copy shall then be returned to the Major Case Narcotics Section. All documentation must be received by the Major Case Narcotics Section within seven days of the receipt of funds. Exceptions may be requested on an individual basis through a 105 from the employee bearing signature approval from his/her supervisor, to the Major Case Narcotics Section commander or his designee, with a copy forwarded to the Superintendent's Office.

The original NOPD Cooperating Individual Payment Receipt form, bearing the signature of the cooperating individual, shall be maintained in the Superintendent's office. The signature on the original form shall be concealed during copying to protect the individual's identity. This copy shall then be returned to the Major Case Narcotics Section.

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608.5.5 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.0641-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income," and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informants file. It shall be the responsibility of the case officer using the informant to issue the Form 1099 or letter to the informant.

608.5.6 AUDIT OF PAYMENTS

At least once every six months the Superintendent of Police or the authorized designee shall conduct a thorough audit of all informant funds for the purpose of accountability and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Blind lineup (testing) - Blind testing is a method whereby the person administering the sequential photo lineup does not know the identity of the suspect.

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Physical lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

Sequential lineups - A set of photographs of individuals presented to an eyewitness consisting of one suspect among a number of fillers with like characteristics, shown one at a time and in random order.

610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 WITNESSES WITH LIMITED ENGLISH PROFICIENCY

If a witness to a criminal offense does not fluently speak the English language or otherwise has difficulty communicating (e.g. hearing impaired), officers shall make reasonable efforts to arrange for an interpreter before proceeding with eyewitness identification. (refer to Hearing Impaired/Disabled Communications or Limited English Proficiency Services)

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer shall explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Investigations and Support Bureau shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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The process and any related forms or reports shall provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The photograph numbers.

(c) The name and identifying information of the witness (i.e., viewing person).

(d) The name of the person administering the identification procedure.

(e) The names of all of the individuals present during the identification procedure.

(f) An admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(g) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(h) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms shall be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Officers shall not, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers shall avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses shall be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness shall be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

The eyewitness identification procedure shall be audio and/or video recorded and the recording shall be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC LINEUP AND PHYSICAL LINEUP CONSIDERATIONS

(a) Officers administering the lineup shall not have any knowledge as to which photograph depicts the suspect in the investigation.

(b) In cases involving multiple suspects, a separate photo lineup shall be conducted for each suspect. The additional suspects' photographs shall be placed in a different order within each lineup.

(c) The order of the suspect's photo and filler photos shall be randomized before being presented to each witness.

The line-up procedure shall be administered in sequential order (shown one photo at a time and in random order). Officers shall provide the witness with a set of photographs advising the witness to view each photograph one at a time.

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610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or physical lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a physical or photo lineup is the preferred course of action if eyewitness identification is contemplated.

610.6 DOCUMENTATION

A thorough description of the eyewitness identification process, to include the display procedure, and the results of any eyewitness identification shall be documented in the case report. All witness statements and/or comments shall be documented in the report. (I.E., comments of how certain he/she is of the identification or non-identification, etc.).

This record shall include the:

(a) Time

(b) Date

(c) Location; identity of the viewing person

(d) Photograph numbers

(e) SID numbers

(f) Name of the administrator of the line-up

The identities of all individuals present during the identification procedure shall be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness shall be included in the case report. In addition, the order in which the photographs were presented to the witness shall be documented in the case report.

Should a suspect be selected, the photographs used in the lineup, including a photo array, if one was used, shall be initialed on the back by the officer administering the sequential line-up procedure and maintained as evidence. The witness shall also sign and date the back of the photo selected. These documents shall be kept as evidence until the final disposition of the case, at which time it shall become a part of the permanent case file.

610.7 CRIMINAL CASE MANAGEMENT SYSTEM (CCMS)

The Criminal Case Management System (CCMS) shall be used by detectives to record, update and track investigations.

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Auto Theft Investigations

611.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of auto thefts and recoveries.

611.2 AUTO THEFT AFFIDAVIT

Anyone alleging a motor vehicle was stolen shall sign an affidavit affirming the vehicle was stolen. Filing a false stolen vehicle report and signing an affidavit affirming a vehicle was stolen is a felony (La. R.S. 14:67.26 B(1)).

If the affidavit is not taken in person by a law enforcement officer, the individual alleging an auto theft shall download a copy of the affidavit at NOPD.com or at a district station. The affidavit shall be signed, notarized and delivered or mailed to the NOPD Record Room within seven days of receipt (La. R.S. 14:67 26B(2)).

611.3 REPORTING STOLEN VEHICLES

Officers investigating a complaint of an auto theft and/or lost or stolen license plate are responsible for:

(a) Completing electronic police report (EPR).

(b) Presenting the Auto Theft Affidavit (Form #208) and item number (Form 26) to the complainant for his/her review and signature before a notary or authorized supervisor.

(c) Contacting NCIC for the computer entry and access number for inclusion in the narrative.

The complainant shall attest to the theft by sworn affidavit (Auto Theft Affidavit - Form #208) before an ex-officio notary/police supervisor and two persons as witnesses. Witnesses shall include at least one officer and a second person of eighteen years of age or older. Once the complainant has signed the Auto Theft Affidavit, this form shall be made part of the report.

If the complainant refuses to sign but indicates a desire for further review, the affidavit will be left with the complainant to sign, notarize, and return to the agency in seven days. The auto theft report shall indicate the complainant did not sign the affidavit and was advised of the proper procedure for completing the affidavit.

If the complainant refuses to sign the affidavit, the officer shall write refused across the affidavit, conduct the investigation and submit an Electronic Policy Report (EPR) report for follow up review.

611.4 REPORTING STOLEN VEHICLE - OUTSIDE ORLEANS PARISH

A complaint outside of Orleans Parish reporting an auto theft occurring in New Orleans shall be investigated by an officer in the district of occurrence. The officer shall advise the complainant of the item number and the location(s) where affidavit forms may be obtained. If the complainant is unable to timely obtain an affidavit form, the unit/district/section commander shall instruct the investigating officer to mail the affidavit to a complainant through the NOPD Mail Room or have the complainant obtain the affidavit via the internet, www.nopd.com.

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611.5 RECOVERIES IN ORLEANS PARISH

Reports of vehicles stolen from another jurisdiction and recovered in Orleans Parish shall be written by an on-scene investigating officer as a signal (21R, out of parish recovery) on a green incident report form or EPR. Actions relating to these recoveries include the following:

(a) The investigating officer shall:

1. Include any missing parts or damage in the report.
2. Make all effort to notify the owner of the location of the recovered vehicle.
3. Remain on the scene until the arrival of the owner and/or towing and remain on scene until the towing company collects the vehicle.
4. Contact a member of NCIC giving all recovery information.
5. Secure recovery access number from NCIC

(b) An officer recovering a vehicle in Orleans Parish shall:

1. Contact a member of the NCIC unit and provide all recovery information.
2. The officer shall make every attempt to contact the owner of the vehicle to inform him/her of the vehicle's location and or storage information.
3. Remain on the scene until the arrival of the owner and/or towing company until the vehicle is secured by the towing company.
4. Write a supplemental report/EPR if there is an arrest and/or the vehicle was involved in additional crimes.

(c) If the recovering officer cannot contact the owner, a member of the NCIC unit will make additional attempts to contact the owner of a recovered vehicle. If unsuccessful, a member of the NCIC Unit will then start the process of notifying the owner by certified mail. If the owner cannot be contacted or he/she cannot arrange towing within sixty minutes, the officer shall:

1. Contact the Towing Allocation Operator (TAO).
2. Inform the TAO of the vehicle's location and condition.
3. Remain on the scene until the arrival of the owner and/or towing company until the vehicle is secured by the towing company.

When the owner cannot be contacted by the investigating officer, a member of the NCIC Unit is responsible for contacting the victim and/or reporting agency (if stolen out of parish). After twenty-four hours a member of the NCIC Unit shall send a recovery letter to the victim's last known address via certified mail.

611.6 AUTO THEFT ARRESTS

The investigating officer shall request his/her platoon supervisor to come to the scene of any auto theft investigation involving an arrest and/or if the preliminary investigation indicates the complainant is giving inaccurate or fraudulent information.

611.7 FOLLOW-UP INVESTIGATIONS

If a follow-up investigation reveals the vehicle was not stolen, the investigating officer shall change the initial auto theft disposition to Unfounded and request a new item number for the follow up investigation.

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Information/disposition changes to a filed NCIC entry shall be corrected by contacting the NCIC Unit. The NCIC Unit is responsible for all NCIC entry changes once notified that changes are to be made.

611.8 AUTO THEFT COMPLAINTS - OTHER

Auto theft complaints involving other offenses, wanted subjects and/or rental/lease vehicles, require an on scene investigation. The investigating officer shall use the more serious signal and follow the guidelines as appropriate to the incident.

611.9 THEFT AND RECOVERY

Auto theft complaints involving both the theft and recovery of a stolen vehicle shall be documented in EPR and affidavit with the NCIC access number.

611.10 AFFIDAVIT OF PHYSICAL INSPECTION FOR VEHICLE IDENTITY VERIFICATION (DPSSP FORM 3515)

This form verifies vehicles previously wrecked or stripped have been restored to a condition which would make them safe to operate on state and local roadways. It also verifies that all parts used in the reconstruction of the vehicle which bears VIN numbers have been checked and have not been reported stolen. This regulation limits the powers given by the state to only certain commissioned employees of the police department.

Only commissioned personnel of the New Orleans Police Department assigned to the Auto Theft Task Force Unit shall have the authority to complete DPSSP Form 3515. Officers receiving requests to complete DPSSP Form 3515 shall refer the individual(s) to the Auto Theft Task Force Unit, (715 South Broad Street, Police HQ Third Floor).

611.10.1 AUTO THEFT TASK FORCE UNIT RESPONSIBILITIES

The below listed guidelines shall be followed by Auto Theft Task Force Unit officers when completing the form:

(a) An electronic police report (EPR) shall be completed.

(b) An item number for a signal 21 shall be obtained with the disposition RTF.

(c) In the incident section of the report Affidavit for Vehicle Identity Verification shall be inserted.

(d) The complete identity of the individual requesting identity verification shall be entered in the victim/witness/reporting person section. The individual shall be listed as a reporting person.

  1. Social security number, operator's license number, business and residence telephone numbers must be included.
  2. The requesting individual's occupation and address of employment must be included.

(e) In the Vehicle section of page 1 of the incident report a complete description of the vehicle will be added. This shall include make, model, color, and VIN. License plate numbers, registration numbers, and title numbers will be included if applicable.

(f) The Auto Theft Task Force officer will print his name on the bottom of the report and the report will be approved by a supervisor.

(g) Photograph of the vehicle will be taken by the verifying officer. The photographs and report will be maintained in the Auto Theft Task Force office. The photographs will include following:

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1. The complete vehicle showing all four sides.
2. The VIN if possible.
3. The drive train to include the engine, transmission, and differential, if possible.

DPSSP form 3515 will be completed in its entirety in accordance with La. R.S. 32:706.2.

The inspecting officer must have a certification number issued by the State Police before he/she is allowed to complete DPSSP 3515 form. The officer will sign and date the form. New Orleans Police will be entered in the section for department name. In the REMARKS section, the item number of the report will be entered.

Original DPSSP form 3515 is in triplicate and sequential numbered book of fifty affidavits. The white copy of the affidavit will be sent to Troop B at the end of each month. The Yellow copy will be given to the individual requesting the inspection. The pink copy shall remain in the book and upon completion, the old books shall be archived by the auto theft unit. The state shall not accept Xerox copies of the form or forms that have been modified. If the officer completing the form makes a mistake, the form shall have VOIDED written across and the white and yellow copies destroyed.

Xerox copies of the below items shall be attached to the report:

- DPSSP form 3515;
- Drivers license of the individual requesting the form; and
- Registration paper or title to vehicle, if available;

The approved report shall be processed as per current policy.

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Preliminary Forensic Drug Testing

615.1 PURPOSE AND SCOPE

This policy establishes guidelines for preliminary drug testing of suspected Controlled Dangerous Substances.

615.1.1 DEFINITIONS

Definitions related to this policy include:

Preliminary drug test kits - Department approved kits or pouches containing reagent(s) which will change color to indicate the presence of a controlled dangerous substance when mixed with a representative sample of a suspected Controlled Dangerous Substance.

False positive preliminary drug test - When a preliminary drug test indicates the presence of a Controlled Dangerous Substance, but a subsequent formal forensic analysis finds the compound is NOT a Controlled Dangerous Substance.

False negative preliminary drug test - When a preliminary drug test indicates the compound is not positive for the presence of a Controlled Dangerous Substance, but a subsequent formal forensic analysis finds the compound DOES contain a Controlled Dangerous Substance.

Inaccurate preliminary drug test - When a preliminary drug test indicates the presence of a Controlled Dangerous Substance, but a subsequent formal forensic analysis finds the compound to be a different Controlled Dangerous Substance than originally suspected.

615.2 POLICY

When an officer encounters a compound believed to be a Controlled Dangerous Substance, it is collected for evidentiary purposes, and a test kit for that suspected substance is available, a preliminary drug test kit shall be used to confirm the presence of the suspected substance.

615.3 DRUG TESTING KITS

Any used kit shall be sealed and safely discarded in a manner consistent with the instructions provided by the manufacturer, to prevent exposure of the contents to the officer(s) and the public. The used kit will not be placed into evidence.

Officers conducting preliminary drug tests shall use the kits as instructed by the manufacturer. Many of the reagents contained in the kits are toxic or corrosive. The kits shall be handled and disposed of carefully to prevent the spillage or loss of the contents. If possible, protective equipment such as gloves or eye protection is recommended. In the event the contents of a kit are spilled on someone, medical attention should be sought, and a supervisor notified. If an officer is injured, a First Report of Injury will be completed.

Only one sample of any given substance will be tested with any given kit. If an additional test(s) is required, a new kit will be used for each test.

Test kits shall be maintained using the manufacturer's instructions. Damaged, contaminated or compromised kits should not be used, and shall be discarded.

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The department approved test kits are NIK Brand (Armour Forensics) and Scott Company Drug Testing. The types of tests available are:

- Marquis Reagent (Opiates, Heroin and Amphetamine compounds, including Ecstasy)
- Duquenois-Levine Reagent (Marijuana, Hashish, hash oil, THC)
- Scott Reagent (Cocaine Salts and Cocaine Base)
- MDMA (Ecstasy only)

Other suspected Controlled Dangerous Substances for which a preliminary drug test kit is not listed above should be submitted to Central Evidence and Property for formal forensic examination.

615.3.1 TESTING

Representative samples of suspected compounds shall be obtained with the tool or spatula provided in the kit. Only a very small sample of suspect substance is required for testing. The test should not consume the entire compound. If the amount is too small to test without consuming the entire amount, the compound should be seized as evidence and processed through Scientific Criminal Investigation Section (S.C.I.S). for formal forensic testing. Officers are encouraged to call the S.C.I.S., the Narcotics Section, or a training officer with any questions regarding the use of preliminary test kits.

Officers performing the preliminary drug test shall follow the written instructions provided by the manufacturer of the test kit, regardless of the brand used. The Preliminary Drug Test form provided in this policy will be filled out by the officer performing test. Forms are provided for both NIK and Scott brand test kits.

The Commander of S.C.I.S. is responsible for the storage and distribution of test kits.

Supplies will be monitored and restocked by the Department's Scientific Criminal Investigation Section. Care shall be taken to avoid prolonged exposure of the supply to high heat or intense sunlight.

The arresting officer's supervisor shall be summoned to the scene to witness the test and provide signatures on required forms. Once the results of the test are obtained, the officer shall confer with his/her supervisor and decide if the arrest is to be completed or the suspect released.

Any compound believed to be a Controlled Dangerous Substance observed in possession of a victim or witness, or at a crime scene, shall be preliminary drug tested by the investigating officer.

615.3.2 SUPERVISOR'S RESPONSIBILITIES

Preliminary drug tests will be witnessed by a supervisor, who will affix his/her signature to the checklist for each test conducted.

615.3.3 RESULTS

A negative test result does not preclude the collection of the compound as evidence and subsequent request for a formal forensic analysis. A false negative, while remote, can occur. Compounds strongly suspected of being a Controlled Dangerous Substance, but test negatively, should be collected and submitted for formal forensic analysis. The decision to arrest in the face of a negative result for a Controlled Dangerous Substance will remain the discretion of the investigating officer(s) and supervisor(s), with consideration

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of all facts surrounding the incident, including additional criminal violation(s). The avenue of subsequent arrest warrants after a positive formal forensic analysis should always be considered.

The colorimetric change(s) in the preliminary drug tests, achieved as the result of positive indications of a Controlled Dangerous Substance, are generally immediate and distinct. Colorimetric changes which are indistinct or slow to achieve are either negative or inconclusive. The officer should consider if the compound may contain a different Controlled Dangerous Substance and use a new kit for that particular substance. If more than one test is performed, each test will require a Preliminary Drug Test Form, and all such forms will be made part of the completed report.

615.3.4 CENTRAL EVIDENCE AND PROPERTY

After the sample tests positive, the core evidence shall be submitted to Central Evidence and Property for analysis by the Scientific Criminal Investigation Section. The arresting officer(s) has 72 hours to submit the written arrest report to the Orleans Parish District Attorney's Office for screening and prosecution.

615.3.5 REPORTING

Upon completion of a test, the Preliminary Drug Test Form (Form #148) shall be completed in its entirety and the original form attached as a numbered page of the incident report. The incident report is incomplete without the inclusion of this form.

A copy of the Preliminary Drug Test Form shall be attached to the evidence package submitted to Central Evidence & Property for S.C.I.S. examination and quality control.

The incident report should contain the type of preliminary drug test used, the name of the officer(s) conducting the test, and the name of any officer witnessing the test. Other information related to the specific test will be included on the Preliminary Drug Test Form to be attached to the incident report, and is not required to be written in the Narrative of the incident report. The use of the preliminary drug test will be included in the Gist of any arrest made for possession and/or distribution of a Controlled Dangerous Substance. The Preliminary Drug Test Form need not accompany the Gist.

A suggested manner of documentation follows, with the example of COCAINE, as the suspected Controlled Dangerous Substance:

(a) A representative sample of the suspected substance was mixed with an approved preliminary test kit by Officer XXXXX in accordance with the manufacturer's instructions. The representative sample displayed an immediate and unambiguous colorimetric response suggesting the presence of COCAINE.

(b) The following information shall be documented in the Narrative section of the incident report:

1. The use of a preliminary drug test kit;
2. Who conducted and/or witnessed the test;
3. The fact that the test conducted in compliance with the manufacturer's instructions; and
4. The appropriate color changes and if the changes were immediate and unambiguous.

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Vice, Narcotics and Organized Crime Investigations

617.1 PURPOSE AND SCOPE

The purpose of this policy is to outline general guidelines for the investigation of vice, narcotic, and organized crime investigations. This policy will encompass the administrative process, reporting/records and the use of department funds for undercover operations.

617.2 POLICY

Citizen complaints concerning vice, narcotic and organized crimes received through Communications Services shall be dispatched to the appropriate police district for investigation. Item numbers will be assigned and an appropriate disposition will be given by the investigating officer.

Complex investigations or investigations involving extensive resources not available to the initial investigating officer shall be turned over to the District Investigative Unit for follow-up investigation. It shall be the responsibility of the Commander of the District Investigative Unit to coordinate its investigation with the Vice Crimes Section, Intelligence Section, Gang Unit or the Narcotics Section to ensure an overlap of investigation does not take place.

617.2.1 COMPLAINTS - NORMAL BUSINESS HOURS

Complaints/information received from outside law enforcement agencies relative to vice, narcotic, and organized crime intelligence during normal business hours shall be directed as follows:

(a) Information relative to vice shall be directed to the Vice Crimes Section.

(b) Information relative to narcotic intelligence shall be directed to the Narcotics Section.

(c) Information relative to organized crime intelligence shall be directed to the Intelligence Section.

617.2.2 COMPLAINTS - OUTSIDE NORMAL BUSINESS HOURS

Complaints/information received from outside law enforcement agencies relative to vice, narcotics, and organized crime intelligence outside normal business hours shall be directed as follows:

(a) The Vice Crimes Section, Intelligence Section and the Narcotics Section shall supply Communications Services with a list of contact persons to receive such calls. The list will contain the contact person's name(s) and telephone number(s). The list will also contain the times and dates each individual is scheduled to received such calls.

617.3 INFORMATION SHARING

Units in possession of information relative to vice, narcotic, and organized crime which may be of interest to other jurisdictions shall forward such information to the appropriate jurisdiction. In the case of narcotics information, a copy of the information shall be forwarded to the Narcotics Section. In the case of vice or organized crime information, a copy of the information shall be forwarded to either the Vice Crimes Section or Intelligence Section.

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617.4 RECORDS/REPORTS

Commanders of the Narcotics Section and the Intelligence Section shall maintain a record of all intelligence received from or given to outside law enforcement agencies. This information shall be secured from unauthorized individuals and maintained for a period of time not less than the guidelines of the Public Records Act.

Units assigned the responsibility of investigating vice, narcotic, and organized crime investigations shall maintain all such related reports and records separate and secure from the central files. Access to these files shall be limited to authorized persons only. All records of active investigations shall be under the control of supervisory personnel assigned to monitor the investigation.

617.5 FUNDING

An investigation by personnel not assigned to the Vice Crimes Section, Intelligence Section or the Narcotics Section who are in need of funds for an operation shall be conducted as follows:

(a) An investigation by personnel not assigned to the Vice Crimes Section, Intelligence Section or the Narcotics Section who are in need of funds for an operation shall be conducted as follows:

(b) Investigations involving the purchase of illegal narcotics (buy money) shall be coordinated through the Commander of the Narcotics Unit, District Investigative Unit and the Asset Forfeiture Unit. The Asset Forfeiture Unit will ensure proper accounting methods are in place. Units receiving funds from the Asset Forfeiture Section shall complete all forms necessary prior to receiving funding.

(c) Investigations involving confidential informants in which funds are required to pay for an informant's information shall be coordinated through the Commander of the District Investigative Unit and the commander of the Narcotics Section. The Narcotics Section will ensure proper accounting methods are in place. Units receiving funds from the Narcotics Section shall complete all forms necessary prior to receiving funding.

(d) Investigations involving vice or organized crime investigations, in which funds are required for vice or organized crime activity shall be coordinate through the Commander of the District Investigative Unit and the Commander of the Vice crimes Section and the Intelligence Section. The Vice Crimes Section and the Intelligence Section shall ensure proper accounting methods are in place. Units receiving funds from the Vice Crimes Section or the Intelligence Section shall complete all forms necessary, prior to receiving funding.

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Surveillance, Undercover, Decoy and Raid Operations

619.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a process for conducting surveillance, undercover, decoy, and raid operations. Vice, drug and organized crime offenses, by their nature, often require officers to learn of and develop evidence of a crime by infiltrating an operation or associating with persons suspected of criminal activity. The use of an undercover operation as an investigative technique requires extensive planning, preparation and handling.

The New Orleans Police Department shall conduct planned, organized surveillance, undercover, and decoy operations as needed in any criminal investigation. The below listed guidelines shall be utilized in the planning and execution of operations covered by this policy.

619.2 GUIDELINES

Individuals involved in undercover operations or as decoys shall not work without a cover team.

Undercover operatives will have only one handler or manager who will be the only contact person for the operation.

The Commander of the unit performing the arrest raid shall be responsible for granting authority for an arrest raid and any use of force of the unit performing the arrest raid.

The use of force shall be in accordance with all established department policies, procedures, state and federal legislation.

The commanding officer of any unit investigating any crime involving vice, drugs, or organized crime, shall coordinate their activities with the specialized units assigned those functions. The Superintendent of Police shall be kept informed of all vice, drugs, and organized crime activity within a commander's span of control.

Complex surveillance, undercover, decoy, and raid operations shall not be conducted without the knowledge and permission of the appropriate Bureau Commander and the Superintendent of Police. Such permission shall be obtained in writing, through the proper chain of command.

All operations covered in this policy shall be supervised by a commissioned officer holding the civil service classification of Sergeant or above. The supervisor shall be an intricate part of the operation and be involved in the investigation. The investigating supervisor shall determine if the investigation is complex, thus requiring the approval of the Superintendent of Police. The supervisor's commander is responsible for periodically reviewing these operations to ensure that investigations are being properly classified.

Prior to making the decision of conducting an undercover operation, the below listed primary factors shall be considered:

(a) The extent of the criminal activity and the results that will be achieved;

(b) Time as a limiting element;

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(c) The complexity of the preparation involved;

(d) The difficulty to be incurred in infiltration of the group;

(e) The safety of the undercover operatives;

(f) The training and evaluation of the undercover operative; and

(g) Can proper measures be placed into effect to prevent discovery of the operative.

619.2.1 SURVEILLANCE

When conducting surveillance, the objectives shall include but not limited to the following:

(a) Obtaining information and intelligence;

(b) Obtaining evidence for prosecution;

(c) The determination if a crime is being planned or committed;

(d) Identification of individuals involved in criminal activity;

(e) Identification of witnesses and informers;

(f) Establishing associations between conspirators;

(g) Establishing reliability of informants;

(h) Establishing what type of vehicles they operate;

(i) Establishing what locations they frequent;

(j) Locating contraband and/or stolen property;

(k) Keeping a log of activity during the surveillance, and it be signed by all members of the surveillance team; and

(l) Determining the most advantageous time to make arrests or execute search warrants.

619.3 PLANS

In all cases of police surveillance, undercover, decoy, and raid operations, strict compliance to legally accepted practices shall be adhered to.

(a) If the operation requires electronic surveillance and wiretapping, all state and federal laws shall be addressed and complied with prior to and during the operation.

(b) Prior to engaging in any surveillance, undercover, decoy or raid operation, a plan shall be developed by the supervisory officer. The information will be made available to all officers involved in the operation. In complex investigations, this plan shall be written. Supervisory officers shall use discretion in non-complex investigations regarding whether the plan must be written.

(c) A copy of the plan shall be filed at the unit level, and one copy shall be forwarded to the Deputy Chief of the Field Operations Bureau and the Deputy Chief of the unit involved in the surveillance, undercover, decoy and/or raid operation. The plan shall include the following information:

- Analysis of crimes, victims, and suspects;
- Determination of legal ramifications;
- Information to familiarize the officers with the objectives and details of the operation, the neighborhood, and target area;
- Determination of operational procedures for observation, arrests, surveillance, and high-risk entries;
- The use of, and supplying officers with, expense funds, if applicable;

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- The supplying of disguises, false identities, credentials, etc. to officers, if applicable;
- Establish means of routine and emergency communication;
- Selection of vehicles and equipment;
- Provisions for relief, backup security, and perimeter protection for officers;
- Maintenance of overall confidentiality and cover;
- Authorization for a raid and use of force, if applicable;
- Provision for close supervision;
- Designation of a single supervisor and coordinator of the operation;
- Provision for the search and seizure of evidence or contraband;
- Provisions for making contact with suspects;
- Procedure for requesting medical assistance;
- Documentation or coordination and assistance from others, both inside and outside the department; and
- Monitoring of dispatch channel(s) in the area where the surveillance is occurring in order to intercept calls that would jeopardize the surveillance.

619.3.1 EQUIPMENT USAGE

Officers involved in the activities covered in this policy shall use vehicles under the direct control of the City of New Orleans or other law enforcement agencies.

The use of personal vehicles is not allowed. The use of personal equipment, other than the officer's authorized firearm, handcuffs, etc., shall not be authorized.

619.3.2 ALCOHOL/DRUG USE

The consumption of alcohol may be necessary in undercover operations. However, drinking should be limited to the minimum required by the circumstances. Provision for consumption of alcohol shall be part of the planning stage of the operation, and addressed by the supervisor in charge. The use of drugs by undercover officers is forbidden (Refer to Rule 3).

619.3.3 CREDENTIALING

Supplying officers with false identity and the necessary credentials shall be at the discretion of the Superintendent of police.

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Use of Surveillance and Undercover Equipment

620.1 PURPOSE AND SCOPE

This policy shall serve as a system of controls for the use of Department-owned surveillance equipment. It is the intent of this policy to prevent damage to, or loss of surveillance equipment and to regulate use to prevent unauthorized use.

620.2 POLICY

All electronic or mechanical surveillance equipment which may be used by commissioned employees of the city shall be owned/leased by the City of New Orleans or on loan to the Department from another law enforcement agency.

If specialized training is required for the proper use of any surveillance equipment, the member requesting its use shall be trained prior to using the equipment.

Prior to the use of surveillance equipment, the member shall be thoroughly aware of all state and federal guidelines governing the equipment's use.

Video surveillance of areas open to public view needs no special authorization. No video equipment shall be installed to view any areas which would constitute an invasion of privacy, without the appropriate court order.

620.3 GENERAL

When requesting use of surveillance equipment from another section, a member shall:

(a) Write an interoffice correspondence (Form 105) through the chain of command specifically stating the equipment needed, the time frame, and the investigation.

(b) The member shall check with other specialized units to ensure the surveillance will not interfere with a current investigation.

If approved, surveillance equipment shall only be issued by supervisory personnel to the supervisor assigned to the unit requesting the use of same. The supervisor obtaining the equipment shall complete those forms required by the issuing unit to track the equipment's use.

All surveillance equipment will be returned to the issuing unit upon completion of the investigation. The equipment will be returned by supervisory personnel, and a receipt will be obtained. The receipt shall be maintained by the commanding officer of the unit who requested its use.

Whenever surveillance equipment is used, tapes, photographs, printouts, and audio or video recordings obtained will be processed as evidence.

Any audio and video recording to be logged as evidence will be copied. The original will be placed into evidence, and the copy will remain in the case file held by the investigator.

Any unauthorized use of surveillance equipment shall be reported to the unit issuing the equipment. A disciplinary investigation shall be conducted by the supervisor monitoring

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the investigation to determine the extent of misuse. The supervisor shall notify the Public Integrity Bureau of the investigation.

Any lost, stolen, or damaged surveillance equipment will be documented in an incident report and a copy shall be delivered to the equipment's issuing unit.

A ranking officer from the unit requesting the equipment shall closely monitor the surveillance and investigation.

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Criminal Intelligence

625.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members in general, and members assigned to the intelligence function in particular, with guidelines and principles for the collection, analysis, and distribution of intelligence information.

625.1.1 DEFINITIONS

Criminal intelligence - Information compiled, analyzed, and disseminated in an effort to anticipate, prevent, or monitor criminal activity. Criminal intelligence files consist of stored information on the activities and the associations of individuals who are suspected of being or having been involved in:

- The actual or attempted planning, organizing, financing, or commission of criminal acts; or
- Criminal activities with known or suspected crime figures.

Criminal intelligence files - Files containing information on the activities and associations of organizations, businesses, and groups that:

- Are suspected of being or have been involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or are suspected of being or have been illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.
- Concern existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short-term and long-term investigative goals.

Tactical intelligence - Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.

Reasonable suspicion - Articulable facts that, within the totality of the circumstances, lead an officer to reasonable suspect that criminal activity has been or is about to be committed.

625.2 POLICY

Information gathering is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of this department to gather information directed toward specific individuals or organizations where there is reasonable suspicion that said individuals or organizations may be planning or engaging in criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals as defined. While the criminal intelligence function may be assigned to specific personnel within the department, all members of the New Orleans Police Department are responsible for reporting information that may help identify criminal conspirators and perpetrators.

625.3 MISSION

It is the mission of the intelligence function to gather information from all sources in a manner consistent with the law and to analyze that information to provide tactical and/or

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strategic intelligence on the existence, identities, and capabilities of criminal suspects and enterprises generally and, in particular, to further crime prevention and enforcement objectives/priorities identified by the New Orleans Police Department.

(a) Information gathering in support of the intelligence function is the responsibility of each member of this department, although specific assignments may be made as deemed necessary by the Superintendent of Police.

(b) Information that implicates, suggests implication, or complicity of any public official in criminal activity or corruption shall be immediately reported to the Superintendent of Police or the Chief Administrative Officer for the City of New Orleans.

625.4 ORGANIZATION

Primary responsibility for the direction of intelligence operations; coordination of personnel; and collection, evaluation, collation, analysis, and dissemination of intelligence information is housed in this department's intelligence authority under direction of the Investigations & Support Bureau's Specialized Investigations Division, which includes the Narcotics and Intelligence Sections.

(a) The Commander of the Specialized Investigations Division (SID) shall report directly to the Deputy Superintendent of the Investigations & Support Bureau (ISB) or the Superintendent of Police or his designee in a manner and on a schedule prescribed by the ISB Deputy Superintendent.

(b) Intelligence-related to narcotics information shall be the responsibility of the Specialized Investigations Division Commander for processing through the Narcotics Section.

(c) All other intelligence (including, but not limited to, both traditional and non-traditional organized crime groups, gangs, terrorism, racketeering, outlaw biker groups, hate crimes) shall be the responsibility of the SID Intelligence Section Commander.

(d) To accomplish the goals of the intelligence function and conduct routine operations in an efficient and effective manner, the Specialized Investigations Division Commander shall ensure compliance with the policies, procedures, mission, and goals of the New Orleans Police Department.

625.5 PROFESSIONAL STANDARDS

The intelligence function is often confronted with the need to balance information-gathering requirements for law enforcement with the rights of individuals. To this end, members of this department shall adhere to the following:

(a) Information gathering for intelligence purposes shall be premised on circumstances that provide a reasonable suspicion that specific individuals or organizations may be planning or engaging in criminal activity.

(b) Investigative techniques employed shall be lawful and only so intrusive as to gather sufficient information to prevent the criminal act and/or to identify and prosecute violators.

(c) The Specialized Investigations Division shall take reasonable steps to ensure that information added to criminal intelligence file systems is relevant to a current or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained by the Specialized Investigations Division.

(d) Information gathered and maintained by the New Orleans Police Department for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with law and procedures established by

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this department. A record shall be kept regarding the dissemination of all such information to persons within the department or other law enforcement agency.

625.6 INSTRUCTIONS

625.6.1 COMPILING INTELLIGENCE

Intelligence investigations/files may be opened by the Specialized Investigations Division with sufficient information and justification. This includes but is not limited to the following types of information:

(a) The subject, victim(s) and complainant as appropriate; summary of suspected criminal activity;

(b) anticipated investigative steps to include proposed use of informants, photographic, or electronic surveillance;

(c) resource requirements, including personnel, equipment, buy/flash monies, travel costs, etc;

(d) anticipated results; and

(e) problems, restraints or conflicts of interest.

Members shall not retain official intelligence documentation for personal reference or other purposes but shall submit such information directly to the Specialized Investigations Division.

Information gathering using confidential informants as well as electronic, photographic, and related surveillance devices shall be performed in a legally accepted manner and in accordance with procedures established by this department.

All information designated for use by the Specialized Investigations Division shall be submitted and reviewed by the officer's immediate supervisor prior to submission, through his/her appropriate chain of command.

625.6.2 ANALYSIS

The Specialized Investigations Division shall establish and maintain a process to ensure that information gathered is reviewed and analyzed to derive its meaning and value.

Where possible, the above-described process should be accomplished by professional, trained analysts or by law enforcement personnel experienced in data analysis procedures.

Analytic material (e.g., intelligence) shall be compiled and provided to authorized recipients as soon as possible where meaningful trends, patterns, methods, characteristics or intentions of criminal enterprises or individuals emerge.

625.6.3 RECEIPT / EVALUATION OF INFORMATION

the following steps are taken:

(a) Where possible, information shall be evaluated with respect to reliability of source and validity of content. While evaluation may not be precise, this assessment must be made to the degree possible in order to guide others in using the information. A record shall be kept of the source of all information where known.

(b) Reports and other investigative material and information received by this department shall remain the property of the originating agency, but may be retained by the New Orleans Police Department. Such reports and other investigative material

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and information shall be maintained in confidence, and no access shall be given to another entity except with the consent of the originating agency.

(c) Information having relevance to active cases or that requires immediate attention shall be forwarded to the responsible investigator or investigative unit supervisor as soon as possible.

Analytic material shall be compiled and provided to authorized sources as soon as possible where meaningful trends, patterns, methods, characteristics, or intentions of criminal enterprises or figures emerge.

625.6.4 FILE STATUS

Intelligence file status will be classified as either "**open**" or "**closed**," in accordance with the following:

(a) **Open** - Intelligence files are those which are actively being worked. In order to remain open, officers working such cases must file intelligence status reports covering case developments at least every 180 days.

(b) "**Closed**" - Intelligence files are those in which investigations have been completed, where all logical leads have been exhausted, or where no legitimate law enforcement interest is served. All closed files must include a final case summary report prepared by or with the authorization of the lead investigator.

625.6.5 CLASSIFICATION / SECURITY OF INTELLIGENCE

Intelligence files will be classified in order to protect sources, investigations, and individual's rights to privacy, as well as to provide a structure that will enable this agency to control access to intelligence. These classifications shall be reevaluated whenever new information is added to an existing intelligence file.

(a) "**Restricted**" - Intelligence files include those that contain information that could adversely affect an on-going investigation, create safety hazards for officers, informants, or others and/or compromise their identities. Restricted intelligence may only be released by approval of the intelligence Specialized Investigations Division Commander, ISB Deputy Superintendent or Superintendent of Police to authorized law enforcement agencies with a need and a right to know.

(b) "**Confidential**" - Intelligence is less sensitive than restricted intelligence. It may be released to agency personnel when a need and a right to know have been established by the SID Commander or his designee.

(c) "**Unclassified**" - Intelligence contains information from the news media, public records, and other sources of a topical nature. Access is limited to officers conducting authorized investigations that necessitate this information.

All restricted and confidential intelligence files shall be secured, and access to all intelligence information shall be controlled and recorded by procedures established by the Specialized Investigations Division.

- Informant files shall be maintained separately from intelligence files and in accordance with established department procedure.
- Intelligence files shall be maintained in accordance with state and federal law.
- Release of intelligence information in general and electronic surveillance information and photographic intelligence, in particular, to any authorized law enforcement agency shall be made only with the express approval of the Specialized Investigations Division Commander and with the stipulation that such intelligence not be duplicated

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or otherwise disseminated without the approval of the SID Commander, ISB Deputy Superintendent or Superintendent of Police.

All files released under freedom of information provisions or through disclosure shall be carefully reviewed.

625.6.6 AUDITING / PURGING FILES

The Specialized Investigations Division is responsible for ensuring that files are maintained in accordance with the goals and objectives of the New Orleans Police Department and include information that is both timely and relevant. To that end, all intelligence files shall be audited and purged on an annual basis as established by the ISB Deputy Superintendent.

When a file has no further information value and/or meets the criteria of any applicable law, it shall be destroyed in accordance with public records law. A record of purged files shall be maintained by the Specialized Investigations Division.

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Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned to the section or division from which it was issued.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall investigate the damage or loss and document the investigation in an incident report. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. The Superintendent of Police shall determine negligence.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use is limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority. Employees shall not make uniforms and/or uniform parts available to the general public. Employees shall remove and retain or destroy all patches and insignia which identify the articles as New Orleans Police Department uniform(s) prior to converting the articles to mere clothing.

In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval.

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700.3 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.3.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of New Orleans, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

The written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Commander.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of department-issued mobile telephones and personal communication devices and the on-duty use of such devices owned by personnel.

The use of any computer, Internet service, telephone service or other wireless service, including employee-owned devices and services, to send or receive information that may be related to public business may be subject to review or disclosure.

702.1.1 DEFINITIONS

Definitions relating to this policy include:

Emergency - An unforeseen combination of circumstances or the resulting state that calls for immediate action; an urgent need for assistance or relief.

Personal Communication Device (PCD) - Includes all mobile telephones, Personal Digital Assistants (PDA) and other such wireless two-way communications and/or portable Internet access devices. A department-issued two-way police radio is not a PCD.

702.2 PRIVACY POLICY

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Department acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including the content of any such communications.

702.3 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content).

The Commander of the Technology Section shall ensure a regularly updated database is created containing all department issued PCD numbers. The database shall contain the PCD number, name of the member assigned to PCD and their place of assignment. This database shall only be used in case of emergencies and not distributed for general use.

Employees assigned to the Command Desk shall have access to the database. Members with individually-owned PCDs on a call-out basis may supply the Communications Section with their PCD number. Appropriate security measures shall be developed and implemented by the Deputy Superintendent of the Operations Bureau, or the authorized designee, ensuring confidentiality of all department and individually-owned PCD information.

All department-issued PCDs shall be set to silent or vibrating mode while outside the police vehicle on a call for service or during an active Investigation. If the PCD is not capable of functioning in silent or vibrating mode, mode, the PCD shall be turned to the power-off mode.

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702.4 INDIVIDUALLY-OWNED PCD

Employees may carry their individually-owned PCD while on-duty, subject to the following conditions:

(a) Carrying an individually-owned PCD is optional.

(b) The device shall be purchased, used and maintained solely at the employee's expense.

(c) Individually-owned PCD's shall not be used to gather evidence or document an official investigation.

(d) Shall be set to silent or vibrating mode while outside the police vehicle on a call for service or during an active investigation. If the PCD is not capable of functioning in silent or vibrating mode, the PCD shall be turned to the power-off mode.

Employees wishing to carry an individually-owned PCD while on duty shall supply the PCD number on their residential information form maintained at their division/unit level. This form shall be maintained on the unit/division/office level by the Commander of that unit/division/office to which the member is assigned. Officers are required to update all information each time they change their individually-owned PCD number.

702.5 RESTRICTED USE OF PCD

Use of PCDs while on-duty should only be used for legitimate department business except as provided for below.

(a) Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impracticable or not feasible. PCDs should not be used to replace regular radio communications.

   1. PCDs shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a plain, smooth, black leather carrier that has been approved by the Department.

   2. PCDs may not be used to conduct personal business while on-duty, except when brief personal communications may be warranted by the circumstances (e.g., to inform family of extended hours, family emergencies).

(b) Employees are prohibited from using a PCD for personal use while:

   1. Handling any call for service.

   2. In the presence of a victim, complainant or witness.

   3. Taking law enforcement action.

   4. In the performance of any official duty.

   5. Conducting traffic control and/or Mardi Gras parade route duties unless it is in an emergency or directed by an NOPD supervisor.

(c) Uniformed and plain clothed personnel are prohibited from using ear pieces or ear buds, with or without wires (e.g. blue-tooth), while on duty with the exception of the ear pieces issued with the department radios.

(d) Employees shall not receive calls for service or give dispositions to the dispatcher via mobile telephones.

(e) Employees shall not contact complainants, victims, or witnesses via mobile telephone prior to or after being dispatched, or while en-route to a call for service. If additional information is needed from the complainant, victim, or witness by officers responding

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to a call for service, request shall be made through Communications Services via normal radio protocol.

(f) Employees working undercover operations shall refrain from carrying a PCD when doing so may jeopardize the safety of others or the success of an operation. Consideration should be given to whether or not the PCD should be operated in silent or vibrating mode, depending on the circumstances.

702.6 USE WHILE DRIVING

Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device.

Except in the case of an emergency, employees who are operating a Department vehicle shall not use cellular telephones or other PCDs while driving for the purpose of text messaging.

702.7 VEHICLE MODIFICATIONS

Employees are forbidden to permanently install any PCD in any vehicle leased or owned by the City of New Orleans unless specifically authorized by the Superintendent of Police. If the Superintendent of Police provides authorization, any vehicle modifications shall be coordinated with the Management Services Bureau.

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Department Vehicle Use and Maintenance

704.1 PURPOSE AND SCOPE

This policy assigns to employees the responsibility for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance and provides guidelines for vehicle use.

704.1.1 DEFINITIONS

Marked police vehicle - A conspicuously marked patrol vehicle readily identified as law enforcement vehicle. A marked police vehicle is a vehicle routinely used as a district patrol vehicle or enforcement vehicle.

Marked police vehicles do not include those vehicles marked differently from patrol vehicles, or various support vehicles regardless that they may have different markings and identification as vehicles operated by NOPD for non-patrol functions (e.g., vehicles customarily used by support units such as trucks and vans).

Special purpose vehicle - A vehicle used because of considerations of weather, terrain, or the need for inconspicuous appearance, quietness, storage requirements, special operational needs and other special conditions.

704.2 POLICY

Vehicles operated by the New Orleans Police Department shall not be altered or reconfigured other than by a qualified technician designated by the City of New Orleans and with the approval of the Superintendent of Police. No vehicle owned or leased by the City of New Orleans or the New Orleans Police Department shall be used for a purpose other than what it was generally intended or basically designed. All employees assigned to the New Orleans Police Department are required to successfully complete the defensive driving course administered by the Education and Training Division every two years.

704.3 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair.

704.3.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

Each operator of a department vehicle shall promptly report to his/her supervisor any and all damage to the vehicle or its equipment which occurs during his/her tour of duty. An

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employee who fails to report damage or malfunction of either the vehicle or its equipment shall be held accountable for the damage or malfunction.

Each employee assigned the use of a department vehicle shall conduct a daily check the vehicle for body damage and malfunctioning equipment at the beginning and end of their assignment.

If an employee discovers damage or a malfunction during his/her inspection of the vehicle or at any other time, the employee shall immediately notify his/her supervisor. The employee is also required to record any damage or malfunction on the N.O.P.D. Pre-Trip Vehicle Inspection Report section of the Officer's Daily Activity Report.

The employee's Supervisor shall conduct an on-scene administrative investigation of all incidents involving damage to department vehicles or their equipment and shall document this administrative investigation by the appropriate police incident or accident report and/or a Supervisor's Report of Accident.

704.3.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include, but are not limited to, rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

704.3.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

704.4 VEHICLE EQUIPMENT

All marked police vehicles shall be distinctly marked in a similar manner and color.

The lettering on marked police vehicles shall be made of reflective material decals.

Marked police vehicles assigned to district patrol duties shall be equipped with a cage separating the driver's compartment from the rear seating area. Exceptions may be granted to district patrol vehicles customarily used and numerically designated as supervisory vehicles or staff vehicles.

704.4.1 VEHICLE INSPECTION REPORT

The New Orleans Police Department Pre-Trip Vehicle Inspection Report section of the Officer's Daily Activity Report shall be completed by the operator at the beginning of each shift/duty assignment for all vehicles that utilize a Daily Activity Report. Nothing in the policy/procedure prohibits commanders from implementing the use of this form in assignments that do not normally utilize a Daily Activity Report.

The completed Daily Activity Report shall be submitted to the supervisor for approval at the end of the tour of duty. Each division shall be responsible for maintaining the filing of these forms.

704.5 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever

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practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

704.6 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

704.7 CIVILIAN EMPLOYEES

Civilian employees shall not use a marked police vehicle.

704.8 SPECIAL PURPOSE VEHICLES

Special purpose vehicles include, but are not limited to:

- SWAT trucks
- Bomb disposal vehicles
- Mobile command posts
- All-terrain vehicles
- Boats
- Motorcycles
- Scooters
- Bicycles
- Buses
- Horses

The purpose of special purpose vehicles is to assist members of the New Orleans Police Department in the performance of their duty, to protect lives and property of all individuals and to render aid and assistance in the event of a natural or man-made disaster. Under no circumstances shall special purpose vehicles be used for personal and/or recreational use.

Operators of special purposes vehicles shall be trained and demonstrate proficiency in the operation of the vehicle prior to being authorized to operate the vehicle. The Appropriate Deputy Superintendent shall be responsible for training proficiency testing of all authorized persons.

Operators of special purposes vehicles shall be responsible for acquiring and maintaining any licensing required by the State of Louisiana, City of New Orleans, Federal Government, or agency thereof. Employees of the New Orleans Police Department will not be allowed to operate special purpose vehicles other than for training purposes prior to licensing without holding any and all required licenses.

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Maintenance and upkeep of all special purpose vehicles shall be the responsibility of the Unit where the vehicle is assigned.

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Take Home Vehicles

705.1 ASSIGNED VEHICLE AGREEMENT

Vehicles assigned to personnel for their use within their job assignment may be used for work-related purposes and to transport the employee to and from work, in accordance with CAO Policy (5) R.

The agreement also requires the employee to be responsible for the vehicle's care and maintenance. Under Internal Revenue Service (IRS) regulations, personal use of the vehicle may be considered a taxable income to the employee.

The assignment of take-home vehicles is at the discretion of the employee's Bureau Chief. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

Department vehicles shall only be driven by department members.

705.2 POLICY

A take-home vehicle shall not be assigned to an employee when the one-way driving distance from the employee's actual domicile to the employee's primary reporting to work site is greater than 40 miles (See CAO Policy Memorandum 5(R)).

A department member assigned a take home vehicle shall complete a City of New Orleans Take Home Vehicle Add/Delete/Change Form. A member and Supervisor shall make sure a payroll deduction is taken from his/her pay for vehicle usage (CAO Circular Memorandum 10-08 and CAO Policy Memorandum No. 5(R)) via his/her RAMS card.

Members assigned a take home unit shall keep the appropriate fuel card in the vehicle at all times (CAO Policy Memorandum 5(R)).

705.3 VEHICLES SUBJECT TO INSPECTION

All vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

705.4 SECURITY

Employees may use take home vehicles only with prior approval from their Bureau Chief and shall meet the following criteria:

(a) Vehicles shall be locked when not attended.

(b) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (Refer to Policy 312, Firearms).

(c) Meet the requirements of CAO Policy Memorandum 5R.

705.5 ALTERATIONS TO VEHICLES

No department vehicle may be altered without written approval of the Superintendent of Police or his/her designee, including but not limited to the addition or removal of:

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(a) Window tinting, with the exception of K-9 units transporting an animal (any approved window tinting will be in accordance with La. R.S. 32:361.1).

(b) Strobe lights.

(c) Stickers or markings identifying a vehicle as a police department unit.

(d) Any license plate.

705.6 EMPLOYEE RESPONSIBILITIES

An employee who is assigned a take home vehicle shall be responsible for maintaining the vehicle in good running order. The employee shall be responsible for both scheduled and preventive maintenance and timely repairs to the vehicle in compliance with CAO policy.

Failure to follow the maintenance schedule or to keep the vehicle in good mechanical condition shall result in the member's loss of take home privilege.

An employee assigned a take-home vehicle will be responsible for keeping the appearance of the vehicle clean and professional.

An employee assigned a take-home vehicle is responsible for obeying all traffic and parking laws while on and off duty and adhere to Rule 2, Moral Conduct and Rule 3, Professional Conduct of the Policy and Procedures Manuals.

Employees driving a take home vehicle shall carry their duty weapon and police radio while driving the vehicle.

When an employee is on vacation, on leave or out of the area in excess of one week, the vehicle shall be stored at the employee's place of assignment.

705.6.1 EMPLOYEE APPEARANCE

Unless authorized by his/her District/Division Commander, an officer assigned a take home vehicle shall be neat and professional in attire. Officers shall not wear any type of clothing or accessories that brings embarrassment or discredit to him/her or the department while operating a department vehicle.

705.6.2 COMMANDERS RESPONSIBILITIES

Commanders of each unit shall be responsible for keeping spare keys for all vehicles assigned to their unit.

The Commander of the Bureau, District, Division, Section, or Unit shall have NOPD Form 106 (Vehicle Inventory Reporting Form) completed for each assigned take home vehicle, in addition to the City of New Orleans Take-Home Vehicle Add/Delete/Change Form. These forms shall be forwarded to the NOPD Fleet Manager each time a vehicle's status is changed.

The Commander of the Bureau, District, Division, Section, or Unit shall issue a copy of CAO Policy Memorandum No. 5(R) and CAO Circular Memorandum No. 10-08 to any member assigned a take home vehicle under his/her command and the member shall acknowledge receipt by signing his/her cognizance card. Members must keep a copy of CAO Policy Memorandum 5(R) and CAO Circular Memorandum No. 10-08 in the vehicle at all times. Vehicle registration documentation, a copy of the City's self-insurance letter and a copy of the employee's proof of insurance shall be kept in the vehicle at all times.

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Commanders are responsible for issuing to employees who are assigned a take-home vehicle, the City of New Orleans Take Home Vehicle Log. Employees shall be responsible for completing the vehicle log. Vehicle logs shall be kept inside the vehicle for inspection upon the request of the appropriate authority.

705.7 FLEET MANAGER

The NOPD Fleet Manager shall forward all City of New Orleans Take Home Vehicle Add/delete/Change Form (s) to the CAO for approval. Once the form is approved, the Commander of Fleet Management shall forward a copy to the member's current place of assignment. A copy of the approved form shall be placed in the member's personnel file.

The NOPD Fleet Manager shall conduct quarterly vehicle, equipment and take-home assignment inventory. The inventory shall be sent to the Chief Administrative Office in the format specified by the Chief Administrative office. The inventory shall include all information detailed in #5, B of the CAO Policy Memorandum 5(R) and any addition information as specified by the Chief Administrative Office. The inventory shall cover all vehicles owned or leased by the City and/or under control of a City department.

705.8 RESTRICTIONS

Employees using a police vehicle, marked or unmarked, to go out of State shall request permission through his/her chain of command to the Superintendent of Police.

Employees using a police vehicle, marked or unmarked, to go out of Orleans Parish shall request permission through his/her Bureau Chief, unless it is in the performance of their official duties. Employees living outside of Orleans Parish shall ensure they have completed a City of New Orleans Take Home Vehicle Add/Change/Delete form.

Employees shall not be assigned a take home vehicle while:

- On reassignment;
- Suspension;
- Limited duty; and/or
- Extended sick leave.

705.9 DISCIPLINARY ACTION

Employees arrested for driving under the influence while operating a city vehicle or personal vehicle, either on-duty or off-duty, shall lose his/her take-home vehicle privileges for no less than one year, in addition to any other disciplinary action such as a possible suspension and/or termination (CAO Policy Memorandum #89R).

An officer under suspension shall leave his/her take home vehicle parked at his/her assignment throughout the duration of the suspension. The Commander of the Bureau, District, Division, Section, or Unit shall ensure the suspended officer complies with this policy.

705.10 INSURANCE

Personal vehicle usage is not covered by the City's self-insurance program.

All employees assigned a take-home vehicle shall provide a copy of their current personal automobile insurance policy, or his/her current personal non-owned automobile insurance policy to the Fleet Manager in accordance CAO Policy Memorandum 5 R It is the responsibility of the Fleet Manager to make sure insurance policies, or proof of insurance

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coverage, are submitted as they are renewed. Every employee should endorse his/her current personal automobile policy to add coverage for use of non-owned vehicles - broad form, including physical damage coverage. Employees that do not own a personal vehicle, or do not have a personal automobile insurance policy must purchase a Personal Non-Owned - Broad Form Liability Automobile Policy, including physical damage coverage. The liability limits shall be at least the mandatory state minimum financial responsibility limits. (See CAO Policy (5) (R).

The following is the minimal vehicle insurance coverage required of every employee with a take-home vehicle:

- Bodily injury and property damage liability - Mandatory State Minimum Financial Responsibility Limits.
- Uninsured Motorist - No less than the Minimum Financial Responsibility limits, or your liability limits, whichever is greater.
- Comprehensive and Collision - The deductibles will be the sole responsibility of the employee and will not be borne in any way by the City, and all property damage loses will be paid to the City.

705.11 USE OF A TAKE HOME VEHICLE ON PAID DETAILS

When a member wishes to use a take home vehicle on a paid detail he/she will list take home vehicle in the N.O.P.D. equipment used on detail section of the N.O.P.D. Form 21 (Paid Detail Authorization Form).

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Automated Fueling and Fuel Services

706.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the responsibilities of the New Orleans Police Department and the Fleet Administrator with regard to fuel system administration.

706.2 POLICY

This policy identifies the responsibilities of employees who dispense fuel, the fuel facilities to be used by all department vehicles under normal operating conditions, the facilities available and procedures required for emergency fuel services, and the procedures for authorized exemption from this procedure.

706.3 FUEL SYSTEM ADMINISTRATION

The Fleet Administrator shall have the following responsibilities within the Department:

(a) Coordination of department wide fuel services and operations.

(b) Reporting and coordination of equipment failures and emergency provisions for alternate fuel sites and equipment.

(c) Processing of requests for vehicle fuel cards.

(d) Deactivation of vehicle fuel cards.

(e) Maintenance of fuel service reports.

(f) Distribution of fuel use reports.

(g) Appointment of a Fuel System Manager.

706.4 RISK MANAGEMENT SECTION

The Fleet Administrator shall have the following responsibilities within the Department:

(a) Coordination of department wide fuel services and operations.

(b) Reporting and coordination of equipment failures and emergency provisions for alternate fuel sites and equipment.

(c) Processing of requests for vehicle fuel cards.

(d) Deactivation of vehicle fuel cards.

(e) Maintenance of fuel service reports.

(f) Distribution of fuel use reports.

(g) Appointment of a Fuel System Manager.

706.5 RISK MANAGEMENT SECTION

Each employee is responsible the use and security of his/her own employee PIN.

(a) Employees should memorize their PIN and shall not loan out their PIN. The PIN shall not be written on any fuel system card.

(b) Employees shall enter the correct mileage from the odometer of the vehicle being fueled.

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(c) Employees who have knowledge or suspicion of misuse, loss, or theft of any fuel card are obligated to report that information immediately to the Risk Management Section, Fleet Administrator, or Fuel System Manager.

Employees inquiring about a PIN shall report to the Fleet Administrator Office. A PIN will not be given out over the phone, nor to anyone other than the person to whom it is assigned.

706.6 FUEL ACCESS CARDS

Every vehicle in the Department's fleet with a vehicle identification number (VIN) shall have a fuel access card to be used at all authorized fueling sites. Each card shall have an identification number embossed on its surface. Also embossed on the card shall be a vehicle account number, the initials NOPD, a brief description of the vehicle to which the card is assigned, and the card's expiration date.

The vehicle card should be retained in the vehicle to which it is assigned. The vehicle card shall be used whenever fuel is dispensed to that particular vehicle. Dispensing fuel without the vehicle card is prohibited.

Vehicle cards assigned to stationary equipment, such as generators, shall be the responsibility of the Commanding Officer of the unit to which the equipment is assigned.

Vehicle cards shall only be used to fuel the vehicles to which they are assigned, and shall not be used or loaned out to refuel other vehicles.

706.6.1 REPLACEMENT CARDS

Lost or stolen fuel access cards shall be documented in a police report. The item number of the report shall be given to the Fuel System Manager before a replacement card is ordered.

Damaged cards can be delivered to the Fleet Administrator Office and a replacement card ordered without a report.

706.7 FUEL FACILITIES

All department vehicles and equipment shall use the fuel sites listed below for all normal operations. Exceptions may be made for announced emergencies, or at the instructions of the Command Desk, Fleet Administrator, or Risk Management Section.

Broad Street (City operated - 24 hours per day 7 days per week)

506 N. Broad St.

Algiers (City operated - 24 hours per day 7 days per week)

2341 Wall Blvd.

East New Orleans (City operated - 24 hours per day 7 days per week)

10200 Old Gentilly Rd.

706.8 EXTENDED OUT OF AREA VEHICLE USAGE (FUEL CARDS)

On those occasions where city owned vehicles are used for out of town business, a fuel card will be issued by the Fleet Administrator for the purchase of gasoline only.

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All receipts and the fuel card shall be returned to the Fleet Administrator, during working hours, for all fuel purchases upon returning to the City.

706.9 DISCIPLINARY ACTION

Failure to comply with the provisions of this policy may result in personal responsibility for the expense of any authorized charges.

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Accident Review Board

707.1 PURPOSE AND SCOPE

The purpose of the Accident Review Board is to identify the cause of automobile crashes involving NOPD vehicles and to decrease or lessen the severity of automobile crashes involving police vehicles through training, discipline and/or revising Department Policies and Procedures.

The vast majority of auto accidents can be prevented if the operator of one or both of the vehicles involved obey traffic laws, properly maintain the vehicle, drive cautiously, and focus their attention on operating the vehicle. Conversely, automobile crashes directly relate to actions or circumstances which, if averted, reduce the factors contributing to auto accidents .

707.1.1 DEFINITIONS

Definitions related to this policy include:

Accident - Incidents and or circumstances unable to be controlled or influenced by human intervention.

707.2 POLICY

It is the policy of the Department to review each crash of an NOPD vehicle and determine preventability.

707.3 ACCIDENT REVIEW BOARD

The Superintendent of Police, in accordance with the Chief Administrator's Office, has created and established the Accident Review Board.

707.3.1 ACCIDENT REVIEW BOARD MEMBERS

The Accident Review Board shall consist of the following:

(a) The Deputy Superintendent of the Management Services Bureau.

1. In the absence of the Deputy Superintendent of the Management Services Bureau, any other Deputy Superintendent may be appointed to chair the Review Board.

(b) One District Commander (all Commanders are required to serve on a rotating basis).

(c) Commander of the Traffic Section (or Acting Commander).

(d) Commander of the Municipal Training Academy (or Acting Commander).

All of the above board members shall be present to constitute a quorum.

The Deputy Superintendent of the Management Services Bureau shall serve as Chairman of the Board. In the absence of the Deputy Superintendent of the Management Services Bureau, the Deputy Superintendent assigned to this duty will act as Chairman of the Board.

707.3.2 TECHNICAL ADVISORS AND SUPPORT

The following positions shall be filled at each meeting of the Accident Review Board:

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(a) One member of the Fatality Unit of the Traffic Section.

(b) One member of the Risk Management Section.

(c) One member of the Municipal Training Academy, whom shall record information relating to training analysis.

(d) One member of the Public Integrity Bureau, whom shall record the meetings and process any disciplinary forms initialed by the Management Services Bureau as a result of a Board decision.

707.3.3 RESPONSIBILITIES

The Accident Review Board shall evaluate each incident under its purview as an automobile crash rather than an automobile accident.

The Accident Review Board members shall conduct and record the Accident Review Board's hearing during which they shall be responsible for reviewing all crash or damage reports involving department vehicles. The Accident Review Board, when possible, should convene at least six times per year.

707.3.4 DOCUMENTS/EVIDENCE

Data used for reviewing reports shall consist of, but not be limited to:

(a) Copies of traffic or incident reports

(b) Copies of supervisory reports

(c) Damage estimates

(d) Testimony of involved employees/witnesses

(e) Any other pertinent information, (e.g., photographs, brake inspection, repairs)

(f) Copies of Pursuits Incident Reports

(g) In-Car Video

707.3.5 REVIEW COMPLETION

After completing the review of each crash, the Board members shall:

(a) Classify all crash or damage incidents in accordance with the guidelines of Classification of Accidents.

(b) Make recommendations to the Superintendent of Police regarding the determination of Classification of Accidents, and the appropriate disciplinary recommendation.

707.4 RISK MANAGEMENT SECTION

The Risk Management Section shall be responsible for:

(a) Assigning the necessary clerical staff to the Accident Review Board.

(b) The safekeeping of all Accident Review Board records.

(c) Delivery of all reports to committee members and the Superintendent.

707.5 AUTHORITY TO SECURE NEEDED REPORTS, DATA OR WITNESSES

The Accident Review Board shall have the authority of the Superintendent to call to testify before the Board, at a specified time and date, any employee of this Department regarding a crash or incident which resulted in damage to a departmental vehicle. Failure of any employee so summoned to appear will result in disciplinary action.

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The Accident Review Board Chairman shall have the responsibility of securing the appropriate data needed to conduct the review of all incidents. The Board Chairman shall ensure that the following procedures are carried out in accordance with this section.

(a) Copies of all applicable reports involving vehicle damage, all supervisory reports of such incidents, and copies of damage estimates or appraisals, shall be submitted to the Administration and Support Bureau. The Risk Management Section shall forward all reports to the Accident Review Board. In the event of special reports, such as brake inspection reports, the Risk Management Section shall ensure that this pertinent information is forwarded to the Board.

(b) Copies of the departmental driving record of any employee of the Department involved in a traffic crash will be obtained from the Public Integrity Bureau.

(c) Copies of all first reports of Injuries which arise out of traffic crashes, all information as to off duty or sick time use due to a crash, and any previous records of injuries or time off used due to crashes, shall be made available to the Accident Review Board by the Director of the Personnel Unit.

707.6 CLASSIFICATION OF ACCIDENTS

All incidents of damage to departmental vehicles shall be classified in accordance with the existing city policy for Classification of Accidents. The classification of accidents is as follows:

(a) Category A - Non-Preventable:

1. A1 - Non-Preventable - Crashes in this category are described as being beyond the operator's control while practicing good driving methods.
2. A2 - Mechanical Defects - This category includes mechanical defects which were unknown to the operator and documented by the Damage Control Officer subsequent to the incident.
3. A3 - Non-Chargeable / Line of Duty - Applied to emergency vehicles, when the vehicle is responding to an emergency and has not broken any traffic laws or department regulations governing motor vehicles. A3 crashes are not chargeable to the operator's record.

(b) Category B - Preventable:

1. B1 - Preventable / Chargeable - Crashes in this category are those in which the operator shared in a portion or all the responsibility for the crash, when said vehicle was not responding to an emergency call and disregarded traffic laws, safe driving practices or department policy/procedure governing motor vehicles.
2. B2 - Preventable / Line of Duty / Chargeable - Incidents in this category are applied to operators who share in a portion or all of the responsibility for the crash when responding to an emergency and who disregarded traffic laws, safe driving practices, or department policy/procedure governing motor vehicles.

707.7 DISCIPLINARY ACTION

The City of New Orleans through the Chief Administrative Officer's office has defined three separate charts for administering disciplinary action in preventable classifications. Each incident shall be given a chart listing according to the severity of the crash/incident.

(a) Chart I - Preventable incident, but the severity of the incident is considered by the Board to be minor in nature.

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(b) Chart II - Preventable incident, in which the severity of the incident is considered by the Board to be of moderate consequence in nature.

(c) Chart III - Preventable incident in which the severity of the incident is considered by the Board to be of serious or major consequence in nature, and the operator of the department vehicle has disregarded laws and policies governing traffic laws, department regulations, and/or safe driving practices.

Disciplinary action will be based on the severity of the preventable incidents using the previously listed charting system. Disciplinary action may range from a defensive driving course, a Letter of Reprimand, suspension, and/or dismissal. Factors such as an officer's driving record and violations of department regulations shall be considered in determination of disciplinary recommendation. Additional penalties may include suspension of an employee's driving privileges, and loss of take home vehicle authorization.

The Accident Review Board shall postpone a review of an employee who is currently under investigation for violations directly related to a vehicle pursuit which ended in a crash. Risk Management shall check with the Public Integrity Bureau prior to the convening of an Accident Review Board to verify the case status under these circumstances.

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Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the department on the process of analyzing crime.

800.1.1 DEFINITIONS

Crime Analysis - The extraction of data and gathering of information for the purpose of developing tactical, strategic, and both short-term and long-term action plans in crime suppression. Both qualitative and quantitative data analysis and methods are used in determining crime trend patterns. Crime analysis should be able to:

(a) Identify similarities of separate offenses across geographic boundaries;

(b) Reveal commonalities and patterns of prevailing crime problems;

(c) Assist in the screening and ordering a list of suspects;

(d) Support in the assembling of specific crimes which may have been perpetrated by a specific offender already in custody; and

(e) Provide feedback to both front line and support units on trend analysis patterns.

Qualitative methods - involve an examination of nonnumeric data to discover underlying meanings and patterns of relationships.

Quantitative methods of analysis - Involve the use of statistical or categorical data. Simple statistical methods, such as frequencies, percentages, means and rates, would be considered quantitative analysis and is the primary methodology used by a crime analyst.

Crime Mapping - Geographical Information Systems (GIS) technology used to display crime information on a map. Crime mapping is only one element of crime analysis methodology which can be used in detecting crime trend patterns. Those Districts, Divisions or Bureaus with authorized license access have the ability to perform enhanced analysis utilizing the Omega CrimeView® software application. This crime analysis and mapping program combines a variety of information sources which can be filtered down to specific identifiers based on type of incident; modus operandi; geographic area; etc.

COMSTAT - This term is an abbreviation for Computer Statistics' and is defined as a multilayered dynamic approach to crime reduction, quality of life improvement, and personnel and resource administration. The crime analysis process plays a key role in support of the COMSTAT management philosophy.

800.2 POLICY

The Department's centralized Crime Analysis Unit is responsible for the development and maintenance of available data management systems in support of the crime analysis functions performed by those units, sections, and divisions which are primarily involved in crime suppression, apprehension and general enforcement efforts. The Crime Analysis Unit is also responsible for any specialized training associated with accessibility and use of these systems.

Crime pattern analysis information gathered by District or Division members performing a crime analyst support role should be openly accessible to supervisors, investigative support

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staff and patrol elements department-wide. Information assembled should be used in both short and long term department planning efforts and should estimate future crime trends and identify enforcement priorities.

Notable similarities in offense characteristics should be disseminated to enforcement units.

District or Division Commanders shall be responsible for soliciting feedback from officers who utilize crime pattern information in targeting enforcement. Feedback should include the accuracy, usefulness, and timeliness of information, as well as an account as to whether or not the problem or trend identified has been adequately addressed.

Members at either a District or Division level who are selected to perform a crime analysis function in direct support of this agency's COMSTAT process should be detail-oriented, systematic in their approach to data collection, and possess a high degree of familiarity with computers and the use of associated analytical programs. Selection of personnel to fill the position of COMSTAT Officer shall be based on established knowledge, skills and abilities (KSA) criteria (see the Transfers/ Filling Vacancies/ Selection for Specialized Units Policy).

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to the following:

- Computer Aided Dispatch (CAD) data
- Electronic Police Report (EPR) records
- Field interview records
- Narcotics Hotline Complaint records
- CopLink® System records

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.5 CRIME ANALYSIS IDENTIFIERS

The crime analysis process includes, but is not limited to, use of the following basic identifiers:

(a) Sociodemographic factors (personal characteristics, such as: race; sex; income; etc.)

(b) Spatial factors (geographical patterns)

(c) Temporal factors (long-term, mid-length, short-term patterns based on factors such as time of day, day of week, etc.)

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(d) Type of crime

(e) Victim and target descriptors

(f) Suspect descriptors

(g) Vehicle descriptors

(h) Modus Operandi factors

(i) Physical evidence information (spent shell casings, tool marks, etc.)

800.6 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Police Complaint Signals/Plain Text Verbiage

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the official police signals and complaint call dispositions used by the New Orleans Police Department and the associated plain text verbiage to be used during public safety radio transmissions.

801.2 POLICE COMPLAINT CALLS/SIGNALS

15 Citizen holding a suspect
17-F Fugitive attachment
17-J Juvenile attachment
17-M Municipal Court attachment
17-R Warrant stop and release
17-T Traffic attachment
18 Traffic incidents (other than those designated by signal)
18-A Abandoned Vehicle
18-A Abandoned Vehicle
18-DE Directed traffic enforcement
19 Drunk
20 Auto accident
20-A Airplane crash
20-I Injury accident
20-F Fatal accident
20-X Accident involving police vehicle
21 Complaint
21-B Blighted property
21-C Curfew
21-F Flood event
21-H Homeless
21-J Missing juvenile
21-L Lost or stolen
21-M Missing adult
21-N Noise complaint
21-R Foreign stolen/local recovery
21-S Asset seizure
21-T Truant violation
21-U Underage drinking violation
21-V Voting/election complaints
22 Disperse subjects
59-P Taking temporary possession
60 Aggravated burglary
61 Automobile smash & grab
62 Simple burglary
62-A Burglary alarm
62-B Simple burglary, business
62-C Simple burglary, auto
62-D Simple burglary, domestic
62-L Local alarm
62-R Residence burglary
62-S Safe burglary
63 Trespass, prowler
63-P Protest
64 Armed robbery
64-A Silent robbery alarm
64-G Armed robbery, gun
64-J Armed car jacking
64-K Armed robbery, knife
65 Simple robbery
65-J Carjacking, no weapon
65-P Simple robbery, purse snatching
66 Extortion
66-D Domestic threats
67 Theft
67-A Auto theft
67-AR Simultaneous stolen / recovery
67-B Bicycle theft
67-C Theft from exterior of auto
67-E Theft by embezzlement
67-F Theft by fraud
67-P Pickpocket

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23 Traffic congestion
24 Medical
25 Call dispatcher
26 Police officer
27 Attempt crime
29 Death
29-S Suicide
29-U Unclassified death
30 Homicide
30-C Homicide, cutting
30-D Homicide, domestic
30-S Homicide, shooting
34 Aggravated battery
34-C Aggravated battery, cutting
34-D Domestic aggravated, battery
34-S Aggravated battery, shooting
35 Simple battery
35-D Simple battery, domestic
37 Aggravated assault
37-D Aggravated assault, domestic
38 Simple assault
38-D Simple assault, domestic
39 Negligent injury
42 Aggravated rape
42-B Oral sexual battery
42-M Aggravated rape, male victim
43 Simple rape
43-B Sexual battery
43-M Simple rape, male victim
44 Aggravated kidnaping
44-B Barricaded subject
44-H Hostage
45 Simple kidnaping
51 Aggravated arson
51-B Bomb threat
52 Simple arson
52-D Simple Arson, domestic
52-E Explosion
52-F Fire
52-R Rescue
54 Placing combustible substances (fire bomb)
55 Aggravated criminal damage to property
67-S Theft by shoplifting
68 Unauthorized use of movables
69 Possession of stolen property
71 Issuing worthless checks
72 Forgery
79 Violation of protective orders
80 Carnal knowledge of a juvenile
81 Indecent behavior
82 Prostitution
83 Solicitation for prostitution
84 Pandering
87 Abortion
89 Crime against nature
90 Gambling
91 Unlawful sale to minors
92 Contributing to the delinquency of a juvenile
93 Cruelty to a juvenile
94 Illegal use of weapons
94-F Fireworks
95 Illegal carrying of a weapon
95-G Illegal carrying of a weapon (concealed gun)
95-K Illegal carrying of a weapon (knife)
97 Picketing
98 D.W.I.
99 Reckless operation
100 Hit and run
100-I Hit and run, injury
100-F Hit and run, fatality
100-X Hit and run, police vehicle
101 Desecration of graves
102 Cruelty to animals
103 Disturbance
103-D Disturbance, domestic
103-F Disturbance, fight
103-M Disturbance, mental
103-R Disturbance, riot
106 Obscenity, exposing one's person
107 Suspicious person
107-S Suspicious package
107-U Unattended package
108 Officer needs assistance, life in danger
109 Aggravated escape

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56 Simple criminal damage to property
56-D Domestic criminal damage
58 (10-18) additional information
58R Local stolen / local recovery
59 Criminal mischief
59-D Criminal mischief, domestic
110 Simple escape
112 Impersonating an officer
116 Flag desecration
118 Public bribery
284 Peeping tom
911 Unknown trouble call
966 Drug law violations

801.3 COMPUTER AIDED DISPATCH DISPOSITIONS/PLAIN TEXT VERBIAGE

G.O.A. Gone on arrival
UNF. Unfounded
R.T.F. Report to follow
N.A.T. Necessary action taken
DUP. Duplicate of another item
VOID (For internal Communications Services and CAD use only)
SUPP. Supplemental report

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Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

802.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

New Orleans Police Department radio operations shall be conducted in accordance with FCC procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This department has two-way radio capability providing continuous communication between Communication Services and officers. The Deputy Superintendent of the Field Operations Bureau shall operate, maintain and staff sufficient complaint operators to receive incoming calls for service from individuals seeking police assistance. Complaint Operators shall be assigned to the Communications Services.

802.2.1 CALL HANDLING

When a call for law enforcement services is received, the dispatcher will determine if the call is an emergency or non-emergency. The complaint operator will determine the call type, location and priority by asking the four key questions:

- Where?
- What
- When?
- Who?

A person reporting an emergency should not be placed on hold until the complaint operator has obtained all necessary information to ensure the safety of the responding units and the affected citizen. Dispatchers and complaint operators should be courteous, kind, patient and respectful in dealing with the public.

Emergency calls should be dispatched immediately. The Platoon Supervisor shall be notified of pending calls for service when units are unavailable for dispatch.

802.2.2 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Services to record all relevant information on calls for criminal and noncriminal service or self-initiated activity. This includes:

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(a) All reported crimes or criminal activity.

(b) Criminal and non-criminal cases initiated by employees.

(c) Complaints of employee or organization conduct or performance.

(d) Arrests or summons.

(e) The assignment or dispatch of an employee.

Employees shall attempt to elicit, record, and share as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Item number
- Date and time of request
- Name, address and telephone number of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of any units assigned as primary and backup
- Time of dispatch
- Time of arrival
- Time of return to service
- Disposition or status of reported incident

Dispatcher controlled talk groups and telephone communications within Communication Services shall be electronically recorded. The recording equipment utilized for this purpose shall have the capability of immediate playback. Recordings shall be retained for a minimum of three years.

The administrative staff of Communication Services is responsible for the secure handling and storage of all recordings. Recordings shall be labeled. These recordings are maintained and stored by Orleans Parish Communications District (OPCD).

Supervisory personnel assigned to Communication Services shall periodically review tapes for compliance with FCC regulations and established Department policy.

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their cases.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use their entire call sign when calling the Communications Services or another unit. The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

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Radio Frequency Profiles

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish protocols for the frequency profile configuration of police radios.

803.2 POLICY

Each department radio should be programmed as authorized with the limited frequency access utilized by that member's specific unit assignment.

803.3 ESTABLISHING RADIO FREQUENCIES FOR NEW PERSONNEL

The Field Operations Bureau shall inform the Commander of the Education and Training Division, in writing, of the assignments of those recruits ready to graduate from the Police Academy. The notification shall give sufficient time to program each recruit's radio with the proper profile. The Education and Training Division shall coordinate with the Electronics Section to ensure that each recruit has a properly programmed radio prior to reporting to his/her new assignment.

803.4 TRANSFERS

All personnel who have been issued radios and have been transferred shall report to the Electronics Section within 24 hours of reporting to their new assignment to have their radio's profile changed.

803.5 ELECTRONIC SECTION RESPONSIBILITIES

The Electronics Section shall issue a receipt to the employee indicating the profile has been changed to match his new assignment. The Electronics Section shall be responsible for maintenance of the Department's inventory records for radio profile assignments.

The employee shall verify, by checking the radio, that it contains the appropriate profile as listed on the receipt.

803.6 LOST/STOLEN RADIOS

Lost or stolen radios shall be documented by the employee's supervisor as per the Department Owned and Personal Property Policy and Procedure. A copy of the report shall be forwarded to the employee's unit Commander, the Electronics Section and the Bureau Chief for the Management and Services Bureau within 24 hours. The Radio Shop will not issue a replacement radio without first being given the item number.

Upon an employee realizing that his/her radio has been lost or stolen, he/she shall immediately notify the Command desk of the missing radio.

The Command Desk shall notify the Electronics Section of the missing radio. The Electronics Section shall immediately deactivate the missing radio so it cannot be used.

803.7 DAMAGED RADIOS/RADIOS IN NEED OF REPAIR

Employees whose radios are damaged or in need of repair shall be issued a temporary replacement radio by the Electronics Section. The profile of the replacement radio shall match that of the radio being repaired. The employee shall inform his/her immediate

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supervisor that his/her radio is being repaired and he/she has been issued a replacement. The employee shall ensure the replacement radio's profile matches that of the radio being repaired.

803.8 SECURITY OF RADIOS/RADIO EQUIPMENT IN VEHICLES

Commanding Officers shall take those steps they deem appropriate to secure those radios installed in police vehicles under their command if the vehicle has to be sent to an outside vendor for repairs.

Unit Commanders shall take those steps they deem appropriate in securing radios of employees whose radio profiles permit access to sensitive transmissions who are on extended sick leave, furlough, or other type of leave.

803.9 MODIFICATIONS TO RADIOS

Employees wishing to modify their radio profile to permit access to other talk groups not normally assigned to their unit talk group shall:

(a) Request permission, in writing, through their chain of command, indicating the Specific talk group needed;

(b) Outline the reason the talk group is needed;

(c) Indicate whether the additional talk group(s) which are to be added are temporary or long term; and

(d) Submit the written request to the employee's Bureau Chief for approval and to the Bureau Chief of the requested talk group if the talk group requested is outside the employee's Bureau assignment. This completed request must be forwarded to the Deputy Superintendent of the Management and Services Bureau for processing.

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Evidence and Property

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security, chain of custody, and disposition of evidence and property entrusted into the care of the New Orleans Police Department, at Central Evidence and Property (CE&P). The Assistant Superintendent in command of the Investigative and Support Bureau (ISB) shall maintain and operate the CE&P Section, under the Crime Lab and Evidence Division (CLED).

804.1.1 DEFINITIONS

Definitions related to this policy include:

CE&P - The Central Evidence and Property Section.

Evidence - Property as defined above, including documentary or oral statements, material objects admissible as testimony in a court of law, and exhibits taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Property - Any material object of value, however slight, tangible or intangible.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

804.2 CENTRAL EVIDENCE AND PROPERTY INTEGRITY AND SECURITY

CE&P shall maintain and operate a main warehouse facility manned and open for the receipt of evidence and property twenty-four hours per day seven days per week including holidays. A commissioned officer shall be on the premises at all times, and a security camera system shall be in operation non-stop. Exterior doors shall be locked and secured, allowing only authorized personnel to enter the facility. Doors to interior areas shall be locked and secured when not in use, allowing only authorized personnel to enter those areas. Under no circumstances shall any individual not assigned to CE&P be allowed to roam freely or unescorted through any portion of the secure area(s).

804.3 EVIDENCE AND PROPERTY INTAKE

All evidence and property must be delivered and logged at CE&P prior to a NOPD employee going off-duty, and a written report shall be made detailing how it came into the control of the employee along with a complete description of each item including serial numbers or identifying marks if applicable. Employees booking evidence and property shall observe the following guidelines:

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804.3.1 EVIDENCE AND PROPERTY BOOKING PROCEDURE

Exhibits as delivered to CE&P shall be packaged, sealed, and labeled by the receiving counter personnel per current operating procedure, including but not limited to the following guidelines:

(a) Exhibits shall be described so precisely that physical viewing of the packaged item is not necessary to know what it is.

(b) Exhibits of evidence shall not be packaged with items of property

(c) Exhibits for which ownership can be established shall be packaged separately.

(d) Employees submitting items for processing shall indicate the owner and/or custodian's name, address, and telephone number (if known).

All pertinent information regarding articles received at CE&P shall be entered into the Section's computer system and a receipt shall be generated. A copy of the receipt shall be supplied to the submitting employee for their record, and verified by the submitting employee prior to their leaving CE&P. This receipt shall become part of the submitting employee's report.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

Drug and narcotics exhibits, including paraphernalia, shall be packaged separately, always in the presence of both the submitting and receiving employee: Accounted for, weighed and packaged appropriately, and deposited into the narcotics depository, together.

The gross package weight (GPW) will be verified every time the package is checked in or out of Central Evidence and Property. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the employee's supervisor.

804.3.3 CURRENCY AND OTHER VALUABLES

Currency and other valuables (jewelry, etc) shall be packaged separately, along with a copy of the receipt that the submitting employee has issued to the citizen it was obtained from (if applicable), always in the presence of both the submitting and receiving employee: Accounted for and packaged appropriately, and deposited into the valuables depository, together.

(a) Cash which has been submitted for processing which is in a government or bank-sealed bag need not be opened for verification, providing that the submitting employee has ample documented justification. Otherwise,

(b) CE&P personnel shall verify the amount of cash received prior to it being packaged and deposited into the valuables depository.

804.3.4 FIREARMS AND RELATED EXHIBITS

Weapons received at CE&P shall be unloaded by the submitting employee prior to arrival and delivery:

(a) Ammunition shall be packaged separately from all firearms.

(b) Magazines shall be removed from weapons and the slide/chamber shall be locked in the open position, if possible.

(c) Revolvers shall be submitted with the cylinder open, if possible.

(d) All firearms shall be accompanied by a completed NOPD Confiscated Report Form #42

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804.3.5 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, shall be properly labeled as such.

(b) Evidence stained with bodily fluids shall be air-dried prior to being permanently stored.

(c) The Asset Forfeiture unit shall be contacted for cash in excess of $1,000.

(d) Evidence requiring specific storage requirements pursuant to laboratory procedures shall have clearly indicated storage requirements on the appropriate form(s) and notification to the CE&P intake employee.

(e) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

(f) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.6 DISTRICT DROP-BOXES

Certain evidence or property may be deposited into secure and authorized containers in district stations (District drop-box), under the following guidelines:

(a) Allowed or prohibited exhibits:

1. Allowed property - Only non-perishable and completely-dry property that reasonably fits into a drop-box without any risk of damaging any other property or evidence in the drop-box may be submitted in this manner.
2. Allowed evidence - Only fingerprint cards or photographs/videos (whether printed or CD/DVD or VHS) may be submitted in this manner
3. Specifically excluded items - Firearms, ammunition, narcotics, paraphernalia, currency, jewelry, sexual assault kits, biological items

(b) Each exhibit placed into a drop-box must be placed in a closed bag or envelope:

1. The item number and officer's name/assignment must be printed on the bag or envelope.
2. The CE&P intake form must be included inside the bag or envelope, fully completed and legible.
3. The submitting employee's supervisor must approve/sign the employee's completed form as accurate and complete.

(c) A CE&P drop-box hard-bound ledger book shall be kept at each drop-box location. The following information shall be recorded by the employee processing the evidence or property in the ledge book: Date, time, NOPD item number, number of exhibits, description(s), employee's name and badge number, employee's signature, supervisor's name and signature, retrieving CE&P custodian's initials and date of pickup.

(d) A supervisor of the employee depositing the evidence or property shall supervise the drop-box procedure and affix his/her printed name, badge number, and signature on the CE&P intake form. The completion of the form and signature verifies that the supervisor checked and approved the forms for accuracy and observed the placing of the exhibit(s) into the drop-box.

(e) The employee writing the incident report shall attach a copy of the completed CE&P Intake form to the RTF.

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(f) CE&P forms are available on nopd.org (forms), and may not be altered.

804.3.7 DROP-BOX CUSTODIAN

Only CE&P personnel (drop-box custodian) are authorized to open a drop-box and collect the exhibits placed therein, under the following guidelines:

(a) Only the CE&P Commander or his/her designee shall have access to the keys for the drop-boxes.

(b) Drop-box pickups shall be regular and routine.

(c) Drop-box custodians opening a drop-box and transporting the exhibits contained therein must be sworn/armed personnel and traveling in an authorized police vehicle to maintain the chain of evidence.

(d) The drop-box custodian shall unlock and completely empty the drop-box, verifying the exhibits listed on hard-bound ledger book and intake forms are all accounted for by affixing his/her initials and pickup date in the hard-bound ledger book.

(e) The drop-box custodian shall re-lock the drop-box, address any discrepancies with a unit supervisor on-scene, leave a copy-of the pick-up form for the unit Commander, and maintain the original pick-up form.

(f) The drop-box custodian shall maintain security while transporting the evidence/property, not making any unnecessary stops while transporting the evidence/property, and directly deliver the exhibits to CE&P intake personnel for normal processing.

(g) The drop-box custodian shall remain with the exhibit(s), maintaining chain of custody, until it is securely and completely packaged for storage in accordance with CE&P intake system procedures.

(h) CE&P intake personnel shall note the exhibit was placed in a drop-box, along with the delivery custodian's name and badge number. The initial intake form, completed by the investigating employee, shall be included with the property/evidence.

Nothing herein is intended to preclude an employee from opting to transport evidence or property directly to the CE&P facility.

804.3.8 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or their Platoon Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives are not permitted to be delivered to, nor retained at, CE&P.

804.3.9 RIGHT OF REFUSAL

CE&P personnel have the right to refuse any piece of property or evidence that is hazardous or that has not been properly documented or packaged.

804.4 PACKAGING OF EVIDENCE AND PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances

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(b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Contraband

(f) Biohazards

804.4.1 PACKAGING CONTAINERS

Employees shall package all property in a suitable container that is appropriate for its size.

(a) Knife tubes should be used to package knives or any other sharp items.

(b) Handgun boxes should be used for handguns.

(c) Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.5 RECORDING OF PROPERTY

The CE&P intake employee receiving custody of evidence or property shall create a computer record for each exhibit received. The computer record will be the permanent record of the exhibit in Central Evidence and Property. The computer record shall record, by item number, the date received, exhibit number, description, location, the date released or disposed (if applicable), and any other pertinent information.

For narcotics and valuables (currency, jewelry, etc) exhibits, a hard-bound logbook shall also be maintained for each exhibit received.

Any changes in the location of evidence or property held by the New Orleans Police Department shall be noted in the computer record.

804.6 EVIDENCE AND PROPERTY CONTROL

Each time CE&P personnel receive evidence or property from, or release evidence or property to, another person he/she shall update the information in the computer system.

804.7 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The Crime Lab employee will check the evidence out of CE&P, documented in the computer system, for laboratory analysis and return it to CE&P as soon as practicable.

804.7.1 RELEASE OF EVIDENCE OR PROPERTY

Each employee transferring evidence or property to another will make the appropriate entry in the computer system to document the chain of custody.

(a) Property may only be released to a rightful owner, or disposed in accordance with policy and law.

(b) Property that has no apparent evidentiary value, excluding contraband, may be released to the owner if known.

(c) A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).

(d) The owner shall sign the appropriate form acknowledging receipt of the item.

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(e) The Commander of the CE&P Section shall designate hours during the business day where individuals can retrieve property authorized for release.

(f) Evidence may not be released to non-judicial or non-laboratory civilians, and may only be released for official purposes, except:

1. Only upon the direction of a prosecuting attorney or signed embossed original court order, property held as evidence of a crime may be released to the owner.

(g) CE&P personnel shall obtain the signature of the person to whom evidence or property was released and the reason for release. Any employee receiving evidence shall be responsible for such evidence until it is returned to CE&P.

The return of the evidence should be recorded in the computer system indicating date, time and the person who returned it.

804.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or establishes proof of the undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

804.8 DISPOSAL OF EVIDENCE AND PROPERTY

Disposals shall be handled in accordance with the Property and Evidence Disposal Policy.

804.9 INSPECTIONS OF CE&P

On a monthly basis, an Investigation and Support Bureau supervisor shall inspect CE&P facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of CE&P shall be conducted annually, as directed by the Superintendent of Police. The annual audit of evidence held by the Department may be conducted by personnel who are not routinely or directly connected with evidence control, as assigned by the Superintendent of Police.

(b) Whenever a change is made in personnel who have access to Central Evidence and Property, an inventory of evidence/property under their control shall be made by an individual not associated with Central Evidence and Property or function to ensure that records are correct and all evidence property is accounted for. The inventory may or may not be able to reasonably account for every single exhibit, but should be sufficient to ensure the integrity of the system and the accountability of the exhibits.

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Evidence and Property Disposal (CE&P)

805.1 PURPOSE AND SCOPE

This policy provides for the lawful and proper disposal of evidence and property entrusted into the care of the New Orleans Police Department, at Central Evidence and Property (CE&P).

805.1.1 DEFINITIONS

Definitions related to this policy include:

CE&P - The Central Evidence and Property Section.

Evidence - Property as defined above, including documentary or oral statements, material objects admissible as testimony in a court of law, and exhibits taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Property - Any material object of value, however slight, tangible or intangible.

805.2 PROPERTY (NON-EVIDENCE) DISPOSAL

All non-evidence property received by CE&P shall be held for at least six months from the date it was received, after which it may be disposed in the following manner:

(a) If the property has a known owner with address known (in CE&P's computer system as provided by the submitting employee/investigator), the owner shall be sent a letter notifying him/her to retrieve his/her belongings, at least 30 days prior to disposal.

(b) At least 30 days prior to disposal, NOPD will advertise on its website that the property is to be disposed if unclaimed.

1. The advertisement will note that the property may be available, if unclaimed by rightful owner, to a nonprofit youth facility or to another nonprofit organization, if appropriate and usable (La. R.S. 33:2333).

(c) Property that has completed these prerequisites and timeframes, fully eligible for disposal, may be converted to city use in accordance with section 805.5.

(d) After prescribed time periods have been met, disposals shall be conducted as specified in section 805.6.

805.3 EVIDENCE DISPOSAL

Evidence shall only be disposed by court order, after consultation with the District Attorney with regard to state evidence or the City Attorney with regard to municipal evidence, to ensure it will not be needed for prosecution or appeal, under the following guidelines:

(a) Evidence shall not be disposed in cases of murder, rape, aggravated kidnapping, or armed robbery.

(b) Contraband evidence must be completely destroyed during a disposal process, if not used for official Department purposes (e.g., K9 training, Crime Lab use) in which case the Departmental use would be documented in the CE&P computer system.

(c) With regard to non-contraband evidence: Once a court order is obtained to dispose, procedures outlined in section 805.3 regarding owner notifications shall be followed unless the court order dictates a specific manner of disposal.

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(d) If non-contraband evidence is claimed, it must be claimed by an actual owner and not merely an accused (non-owner).

(e) Evidence that is fully eligible for disposal may be converted to city use in accordance with section 805.5.

(f) After prescribed time periods have been met, disposals shall be conducted as specified in section 805.6, unless otherwise dictated by court order.

805.4 CONVERSION TO CITY USE

Useable property or evidence that is fully-eligible for disposal or destruction under this policy may instead be converted to city use and signed out by Department personnel for official business, in an effort to spare city funds from being spent to purchase similar new items needed for official Departmental operations, under the following guidelines:

(a) Such property or evidence may only be converted to city use by approval of the Commander of CE&P or his designee who is a supervisor, and shall be updated in the computer system.

(b) Personnel signing out an item converted to city use are responsible for the item, must return the item upon request, and must return the item when it is no longer serviceable or needed so that it may be updated in the computer system and accounted for then disposed accordingly.

805.5 DISPOSAL PROCEDURE

In accordance with the City Memorandum issued on June 30, 2011, unless a court order dictates otherwise, disposals shall take place via the City contract with Propertyroom.com. However, some items by their very nature should be excluded and destroyed instead:

(a) Contraband

(b) Biohazards

(c) Firearms and other weapons

(d) Items of a personal nature or having identifying characteristics (e.g., licenses, credit cards)

(e) Anything that Propertyroom.com does not accept according to their policies

Every disposal and/or destruction shall be conducted in the presence of a supervisor not assigned to CE&P, chosen by the Superintendent of Police, who will review the process as an independent observer to ensure integrity and compliance with laws and regulations.

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Collection and Preservation of Evidence

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the collection, identification, transportation, and preservation of physical evidence. Effective law enforcement and subsequent prosecution necessitates information be obtained through the application of proven scientific methods.

808.1.1 DEFINITIONS

Crime Scene Technician / Evidence Technician - A trained specialist, providing on site support services to the rest of the Police Department, in the collection, marking, processing, and securing of physical evidence at a crime scene.

Hazardous materials - Any chemically unstable explosive, corrosive acid, poison, or flammable which is capable of causing injury or death.

808.2 POLICY

The crime lab shall maintain crime scene processing twenty-four hours per day three hundred-sixty-five days per year.

Vehicles used by Crime Scene Technicians for the processing of crime scenes shall be equipped for the:

- Proper retrieval of fingerprints,
- Photographing of scenes (both in lighted areas and in darkness),
- Proper retrieval and packaging of evidence, and
- Sketching of the scene.

On crime scenes where large or extremely bulky evidence is recovered, the Investigator shall call the appropriate City Agency and request assistance to confiscate the evidence. Large trucks, tow wagons and flatbed trucks are available through the NOPD Carpenter Shop, Towing and Recovery Unit or City of New Orleans Streets Department. Use of an alternate vehicle shall be documented in the Police Report or Technicians Report.

The authority of the Crime Scene Technician does not supersede the authority of the investigator in charge of the scene. Generally, the technician will process a scene and attempt to accommodate any special request of the investigator.

The investigator may instruct a technician what to process; however, the technician shall determine how to properly process the evidence to be collected.

Unreasonable requests or disputes of the methods and capabilities of the technician shall be referred to a Crime Lab Supervisor at the time the request is made and the dispute arises.

In the handling of evidence for laboratory testing, a Chain of Custody (commonly referred to as Chain of Evidence) shall be maintained. The record of transfer on each piece of evidence shall contain the following:

(a) Date, time, and location of recovery or confiscation;

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(b) Name of individual recovering or confiscating same;

(c) Name of individual transporting and/or transferring evidence to its proper destination;

(d) Date and time of all transfers;

(e) Receiving person's name, assignment, and reason for transfer;

(f) Examination requested; and, if applicable,

(g) Date, location, and name of laboratory not within the New Orleans Police Department.

All evidence submitted to the Crime Laboratory for analysis shall be documented with the appropriate laboratory request form.

All items of evidence at crime scenes which are perishable and are to be processed by the Crime Laboratory shall not be disturbed by the investigating officer or other individuals at the scene. These items shall only be processed by Crime Scene Technicians (ex. blood, blood stained objects, tissue, biological material, etc.).

808.3 CONTROL SAMPLES

The Crime Scene Technician shall be responsible for the collection and preservation of all control samples. Control samples are those items taken from known materials for comparison purposes to unknown specimens found at the scene. Control samples are typically needed in cases involving hair, fibers, fabrics, paint, glass, wood, soil, and tool marks.

- Control samples shall be taken from an area not affected by the scene but adjacent to or near the scene.
- Control samples shall be packaged the same as evidence specimens.

Control samples involving medical exams, such as rape or child abuse shall be coordinated by the on-scene investigator/detective and the doctor or medical professional conducting the exam.

- Accepted methods of marking, identifying, and packaging shall be utilized by investigators prior to submitting same to the Crime Lab. Investigators having questions relative to the proper handling of retrieved evidence shall contact the Crime Lab for instructions prior to handling.
- Examples of such exams are the collection of hair, blood, other body fluids, or tissue.

Control samples collected during the execution of a search warrant shall be collected by a Crime Scene Technician in the presence of the affiant noted on the warrant.

Evidence recovered from medical professionals, or other professional scientific personnel not employed by the New Orleans Police Department, shall be preserved by the on-scene investigator. The evidence shall be packaged, labeled, and secured in a manner not jeopardizing its judicial value. The items shall be transported to Central Evidence and Property (CE&P) and submitted as evidence. A request for laboratory examination form may be filled out if further processing is needed.

808.4 OFFICER RESPONSIBILITY

The first officer on the scene of a crime or incident shall be responsible to first attend to any injured individuals and apprehend any suspects. Second, the officer shall protect the evidence at the scene including preserving perishable evidence and securing dangerous evidence immediately if necessary. The first principle of scene preservation is do not disturb the scene. However, common sense dictates removing victims for medical

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treatment or confiscating dangerous instrumentalities using appropriate methods to minimize contamination or destruction of trace or perishable evidence (e.g., DNA or fingerprints by using gloves).

808.4.1 CRIME SCENE

The crime scene shall be secured to prevent entry by unauthorized persons.

- The scene shall extend as far as necessary to include all items of evidence from disturbance by unauthorized personnel or other unnecessary persons. Multiple scenes from the same incident may be individually secured.

Upon arrival of the Crime Scene Technician, he/she shall be apprised of the facts surrounding the incident and what actions are requested of him/her by the investigator. The Crime Scene Technician shall also secure any additional areas deemed necessary and restrict access to unauthorized or unnecessary individuals.

Once on the scene, the Crime Scene Technician shall be responsible for proper handling of all evidence and maintaining the chain of evidence for later use in court.

808.4.2 PROCESSING SCENE

Processing of evidence procedures should generally be determined by the progression of the task, such as photographs, sketches, fingerprints, marks, and collection, if possible.

The method of scene processing, including but not limited to, photography, scene sketches, fingerprints, searching, marking, and collecting, shall conform to current scientific and legal methods. A Menu of Services provided by the Crime Lab shall be available to all commissioned personnel through the Crime Lab (refer to www.nopd.org for access to the Crime Lab Menu of Services).

All commissioned personnel shall be held responsible for basic knowledge of crime scene protection and handling of evidence.

The scenes of all major incidents shall be digitally photographed by a Crime Scene Technician. All photographs shall be taken by one technician to maintain the Chain of Custody for the digital images and later to simplify court testimony.

Employees assigned to process crime scenes shall be trained and proficient in current techniques for the retrieval of latent or patent fingerprints from crime scenes. Normally, Crime Scene Technicians will be assigned the duty of retrieving fingerprints from the scenes of crimes but may be performed by trained district fingerprint officers.

808.4.3 COLLECTING FINGERPRINTS

Crime Scene Technicians or district fingerprinting officers charged with the retrieval of fingerprint evidence, shall determine which technique is to be utilized in the retrieval of evidence. If advanced techniques beyond the ability or expertise of the Crime Scene Technician or district fingerprinting officers are needed to retrieve the prints, they shall handle, package, and submit the items to CE&P. and complete the appropriate Crime Lab request forms.

Requests to fingerprint a body or lift prints from a live individual shall be made through the Crime Lab supervisor.

All retrieved fingerprint evidence shall be processed according to current Crime Laboratory procedure as it pertains to handing, labeling, maintaining the chain of evidence, etc.

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808.5 REPORTS - CRIME SCENE TECHNICIAN

Reports shall be generated by the Crime Scene Technician whenever services are rendered by Crime Lab personnel as it pertains to the retrieval of physical evidence, its handling, and processing. All reports shall conform to Louisiana Revised Statute 15 Art. 501 relative to Evidence from Criminalistic Laboratories, section 499, certificate of analysis.

The original report shall be forwarded to the Records and Identification Division which is the storage facility for all Crime Laboratory Reports.

- Requests for additional copies of crime analysis reports and subpoenaed copies of reports shall be made through the Records and Identification Section.

808.6 CENTRAL EVIDENCE AND PROPERTY

All evidence examined, analyzed, or otherwise processed by the Crime Lab shall be turned over to the Central Evidence and Property Section for storage. All guidelines pertaining to the documentation of the Chain of Evidence shall be adhered to when evidence is transferred from facility to facility.

- All new evidence generated or discovered by Crime Lab personnel or uncovered by scientific processing techniques shall be delivered to the Central Evidence and Property Division for storage.
- All new evidence generated by non crime lab personnel shall be packaged, labeled and otherwise handled as per current department procedure relative to the handling of evidence.

808.7 HAZARDOUS MATERIALS

808.7.1 POISONS

Poisons may be stored only if appropriate safe packing is available after they have been properly sealed and packaged by a Crime Scene Technician rendering them safe to be processed by Central Evidence and Property personnel.

In instances where large quantities of poisons are confiscated for evidence, a small portion will be extracted for Crime Lab testing and evidentiary processing. The remainder shall be disposed of in accordance with Federal and State guidelines by a qualified individual. The method of destruction and individual responsible for destruction shall be documented in the appropriate file(s) by Central Evidence and Property personnel.

808.7.2 EXPLOSIVES, ACIDS, AND FLAMMABLE SUBSTANCES

Explosives, acids, and flammable substances shall be processed and transported by Bomb Technicians or other governmental agencies utilizing a vehicle and transportation technique to be determined by the technician and considered safe.

Bomb Technicians shall determine if a sampling of the explosive compound or chemical agent can be safely extracted for evidentiary processing.

If a sampling of the substance can be safely retrieved for Crime Lab processing, it shall be the Bomb Technician's or other governmental agency's responsibility to transport same to the Crime Lab or other appropriate facility for processing.

Explosives are not permitted to be delivered to, nor retained at CE&P.

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Substances whereby samples cannot be safely extracted shall be disposed of in a manner considered safe by the Bomb Technician or other governmental agency and in accordance with Federal and State Law. The process of disposal shall be documented in writing and photographed. The photographs shall be deposited as evidence in the Central Evidence and Property Division.

Explosives, acids, flammable substances and hazardous materials shall not be processed, transported, or stored as property. Scenes where these compounds pose a hazard to the public shall be processed by the appropriate Federal or State agency or competent independent contractor. In the case of Drug Labs the investigating officer is responsible for securing the scene and rendering it safe for processing by the Crime Lab. Once a lab is secured, the New Orleans Fire Department can assist with decontamination, evidence collection or scene mitigation.

808.8 AUTO ACCIDENT FATALITIES/ACCIDENTS

Fatalities are handled in their entirety by the Traffic Division Fatality Unit. Crime Scene Technicians shall be dispatched to the scene to assist the investigator if requested.

The Fatality Investigator is responsible for the processing of the scene and handling of all evidence recovered.

Crime Scene Technicians shall assist in the retrieval of evidence in those methods which are outside the expertise of the Traffic Division investigator.

The Crime Laboratory shall conduct scientific analysis/examination of evidence submitted and generate the proper reports.

Crime Scene Technicians will not photograph auto accidents involving police vehicles unless requested by the investigating officer assigned to the Traffic Investigations Unit. Technicians may assist with measuring skid marks and other relevant information however, they are not required to list this information in their report. All pertinent information will be documented in the investigating officer's report.

808.9 AUTO THEFTS

Technicians are required to photograph broken steering columns on all arrest cases involving stolen vehicles.

808.10 BURGLARIES

Crime Scene Technicians will assist the investigator on incidents where large amounts of evidence are recovered. Technicians shall process scenes and the evidence as needed.

After the evidence is processed, it shall be the investigator's responsibility to either place the evidence in the Central Evidence and Property Section or release same to the owner.

808.11 SUICIDES

The Coroner's Investigator will be responsible for the collection of suicide notes unless the investigating officer requests fingerprints be lifted from the surface.

Medications on the scene will be collected by the Coroner's Investigator.

Suicide notes shall be photographed prior to processing for prints.

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Suicides will not be sketched by the Crime Scene Technician unless specifically requested by the Investigator.

808.12 HOMICIDES

Clothing removed from a suspect or other individual by the investigating officer at Central Lock Up or elsewhere away from the scene will be delivered to Central Evidence and Property by the investigating officer.

Evidence removed from a body during an autopsy shall be delivered to Central Evidence and Property by the Coroner's Office Investigator.

All homicide scenes are sketched by Crime Scene Technicians.

808.13 UNCLASSIFIED DEATHS

Unclassified deaths will be processed similarly to suicides.

Sketches will be completed if requested by the investigator.

808.14 DRUG VIOLATIONS

Crime Scene Technicians will not respond to calls of found drugs if there is no scene to process. Technicians are not required to respond for the sole purpose of collecting drugs.

Crime Scene Technicians will assist in the packaging and photographing of drugs if requested by the investigating officer.

If investigating officer requests fingerprints be lifted on packaged drugs, the technician shall decide the method by which the prints will be lifted.

The investigating officer shall be responsible for placing the evidence at Central Evidence and Property.

808.15 ILLEGAL CARRYING OF FIREARMS/ILLEGAL DISCHARGE OF FIREARMS

Technicians will not respond to calls of illegal carrying of firearms if there is no scene to process. Technicians are not required to respond to a scene for the sole purpose of collecting a weapon.

808.16 SEARCH WARRANTS

When a technician is requested on a search warrant, the following guidelines shall apply:

(a) The affiant on the warrant must be present on the scene during all processing.

(b) Technicians will assist with the photographing, collection, and proper packaging of evidence described in the warrant. This includes blood, hair, fibers, etc.

(c) Technicians will be required to retrieve trace evidence and package same.

To ensure the integrity of the chain of custody, evidence will be submitted to the Central Evidence and Property Section by the officer/technician who collected/packaged the evidence.

The affiant will be responsible for documenting all collected evidence on the warrant return.

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808.17 SEIZED, IMPOUNDED VEHICLES

The processing of vehicles should be accomplished as soon as possible and may be processed on the crime scene itself.

If an investigator seizes a vehicle, it shall be the investigator's responsibility to have the vehicle transported to the Crime Lab Cage.

Prior to seizing a vehicle, the investigator should consult a Crime Lab supervisor to determine if the vehicle can immediately and appropriately be processed on the scene.

Upon seizing a vehicle it shall be the responsibility of the investigating officer to complete an Impounded Vehicle Laboratory Request form (Form 211). The technician shall assist the investigator in the completion of the form.

Copies of the above form can be obtained from the City's intranet system.

Placement of seized vehicles into the Crime Lab cage must be approved by the Homicide Section.

Crime Scene Technicians shall notify the investigating officer upon completion of processing seized vehicles.

Crime Scene Technicians are not authorized to release vehicles after processing.

The investigating officer shall be responsible for removing the vehicles from the Crime Lab cage upon completion of processing and the storage thereof.

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Records Release and Security

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a reference and procedure for the security and release of department public records in accordance with the Louisiana Public Records Law (La. R.S. 44:1).

This policy does not prevent the Department from voluntarily making part or all of specific records available to the requesting person, or the public, unless disclosure is deemed exempt, confidential, private or expressly prohibited by law.

The Federal Freedom of Information Act (FOIA) does not apply to state or local records.

810.1.1 DEFINITIONS

Definitions related to this policy include (La. R.S. 44:1):

Custodian of Records - The Superintendent is the official Custodian of Records and is responsible for the public records of the New Orleans Police Department, regardless of whether the records are in his/her personal custody and control. Duties of the Custodian of Records may be delegated to other members of the New Orleans Police Department.

Public record - All records used, prepared, possessed or retained for use in the performance of any public function, unless exempted by law.

Record - All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memorandums, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment.

810.2 PUBLIC REQUESTS FOR RECORDS

The Custodian of Records is responsible for the custody and control of department public records, including (La. R.S. 44:36):

(a) Maintaining procedures for the retention, archiving and destruction of department public records.

(b) Maintaining and updating the approved records retention schedule.

(c) Requesting and responding to an authorization to destroy records.

(d) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records..

(e) Periodic consultation with the State Archivist regarding retention and disposition of records and determining whether records are of legal, administrative or historical value (La. R.S. 44:411).

1. Records determined to be of no legal, administrative or historical value may be disposed of in compliance with the organization's records retention schedule. A list of those records, together with signed approval from the Louisiana Records Management Section and Acquisitions Archivist, shall be filed and preserved by the Custodian of Records.

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(f) Maintaining the required pay schedule of fees for public records as allowed by law (La. R.S. 44:32).

1. No fee will be charged to merely view public records during normal business hours. A fee may be charged for viewing records outside of normal business hours.
2. The hourly fee for records generated by a manipulation of data in a form not used by this department shall not exceed the average hourly rate of pay for clerical staff manipulating the data and generating the record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.
3. If the public record is a result of computer output, other than word processing, the fee may be based on recovery of the actual incremental cost of providing the electronic services and products, together with a reasonable portion of the cost associated with building and maintaining the information system.
4. The Custodian of Records may waive or reduce fees when it is in the public interest to do so, provided that any such fee reduction or waiver is uniformly applied among persons who are similarly situated, such as indigent persons.

(g) Preparing and making available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Department and the procedures and costs of inspecting or obtaining copies.

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees. Requests shall be forwarded to the Custodian of Records for processing. Records can be requested for any reason which does not need to be disclosed by the requesting party. (La. R.S. 44:31).

The processing of requests is subject to the following:

(a) The Custodian of Records shall determine whether the requested record is available and/or subject to any exemption from disclosure (La. R.S. 44:4.1).

(b) When the record is not provided within three working days, a written response will be provided to the requesting party (La. R.S. 44:32D).

1. The written response should identify the reason the record is not being released, including reference to any legal exemption from inspection or copying.
2. The fact that portions of records are exempt from disclosure should not preclude portions that are not exempt from being released. If portions of a record are redacted, those portions should be identified as redacted or the person requesting the record should be notified of the redaction (La. R.S. 44:32B).

(c) Should the custodian wish to withhold records, he/she shall first consult with the City Attorney's Office. The department is not required to create records which do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any public record.

(d) If any public record is not in the custody or control of the Department the Custodian of Records shall promptly certify in writing to the requestor the reason for the absence of the record, and to the best of the Custodian's knowledge the current location of the record, who currently has custody of the record and the manner, method and time at

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which it was taken from the department's custody or control if applicable (La. R.S. 44:34).

(e) When a public record is available, the requesting party may be required to pay in advance any established fee for each record sought (La. R.S. 44:32C(1)(a)).

810.3 RECORD RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records or unrestricted portions of records of this department may be made public subject to the following restrictions:

(a) **Active investigations** - Except for an initial report of the arrest of a person, records, reports or portions of any case that is not closed should not be released until the case becomes inactive or closed (La. R.S. 44:3A).

(b) **Confidential informants** - Records containing the identity or that could reveal the identity of a confidential source of information shall not be released (La. R.S. 44:3).

(c) **Sensitive information** - Records containing security procedures, investigative training information or aids, investigative techniques, investigative technical equipment or instructions on the use thereof, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments collected or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information shall not be released (La. R.S. 44:3A(3)).

(d) **Arrest records** - Arrest records are closed and exempt from disclosure until final judgment, except for booking information, or as allowed by law (La. R.S. 44:3A(4)(a)).

(e) **Juvenile offenders** - Records concerning juvenile information may not be disclosed. This includes records concerning status offenders and matters before the juvenile court (La. R.S. 44:6; Ch. C. 412).

(f) **Accident reports** - These are available only to the parties involved, their attorneys or insurers and news organizations (La. R.S. 32:398K). When provided to the media, the Department should consult with legal counsel regarding the redaction of personal information to protect privacy.

(g) **Sexual offense victim information** - The name and any other information that would identify certain crime victims shall be kept confidential (La. R.S. 44:3).

(h) **Requests from criminal defendants** - Requests from criminal defendants and their authorized representatives, including attorneys, shall be referred to the District Attorney, City Attorney or the courts.

(i) **Personnel records** - Personnel records, medical records and similar records that would involve personal privacy shall not be made public (La. R.S. 44:11).

1. The home address, photograph or any otherwise confidential information of any officer under investigation shall not be released to the news media, press or any other public information agency without the express written consent of the officer (La. R.S. 40:2532).

(j) **Work product** - Any record that was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

(k) **Other records** - Any other record not addressed in this policy shall not be subject to inspection where:

1. Such inspection would be contrary to any state statute (La. R.S. 44:4.1).
2. Such inspection would be contrary to any federal statute or regulation.

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3. Such inspection is prohibited by rules promulgated by the Louisiana Supreme Court or by the order of any court.

810.4 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

Personal identifying information shall be redacted from the documents.

810.5 SUBPOENA DUCES TECUM

Any subpoena duces tecum or discovery request should be promptly provided to a supervisor for review. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena duces tecum should be promptly referred to legal counsel for the department so that a timely response can be prepared.

810.6 PRIVACY AND SECURITY OF RECORDS

To the extent reasonably practicable, confidential records such as juvenile records or other sensitive records should be separated from public records and secured in such a manner as to reasonably protect them from unauthorized disclosure.

810.7 EXPUNGED RECORDS

All records ordered to be expunged shall be destroyed, except as provided by law. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged shall be removed from all electronic files (La. R.S. 44:9).

810.8 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a public records request or subpoena duces tecum should be stamped in colored ink with a departmental stamp identifying the individual to whom the record was released.

810.9 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Public Records Section personnel:

Reports are numbered commencing with an alphabet for the coinciding month (A = Jan., B = Feb., C = March, continuing consecutively through December) followed by a sequential number beginning with 00001 starting at midnight on the first day of each month and ending with the last two digits of the current year. As an example, case number A-00001-13 would be the first new case beginning January 1, 2013.

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810.10 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, documents of evidence and all reports related to a case shall be recorded, kept and maintained by the Public Records Section. The Public Records Section shall scan and enter attachment sheets and any other report related documents as necessary. General public request and retrieval for Public Records Request shall be accessible only through authorized Public Records Section personnel.

New Orleans Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

810.11 RECORDS MANAGER TRAINING

The Records Manager shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

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Criminal History Record Information (CHRI)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for NOPD's access to state and federal databases related to Criminal History Record Information, as well as the security, maintenance and release of criminal records obtained through law enforcement telecommunications, terminals, and databases, including Criminal History Record Information (CHRI) (La. R.S. 15:578).

The Department will strive to maintain accurate, up-to-date criminal history records.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal History Record Information (CHRI) - Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising there from, including sentencing, correctional supervision, and release. The terms do not include intelligence or investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system (La. R.S. 15:576(2)).

812.2 POLICY

The New Orleans Police Department will adhere to all state and federal laws and regulations of the Louisiana Bureau of Criminal Identification and Information related to the access, use and dissemination of sensitive information received via a law enforcement telecommunications network (La. R.S. 15:579).

812.3 RESPONSIBILITIES

The Custodian of Records, or his/her designee, shall appoint a Network Terminal Agency Coordinator who will serve as the liaison with the appropriate state agencies on matters pertaining to the security, access and use of information available via law enforcement networks and databases.

It is the responsibility of the coordinator to assist the Department in complying with all established laws and procedures.

812.3.1 QUALITY ASSURANCE AUDITS

As a quality control mechanism, the Custodian of Records, or his/her designee, is required to conduct periodic and systematic audits of CHRI as a means of minimizing errors or omissions in the completeness and accuracy of the records.

The systematic audit provides for a comparison between CHRI and source documents or reporting forms, as appropriate, in order to check accuracy and completeness. In addition, this audit provides for an inspection of systematic record keeping practices. The systematic audit procedure will be in accordance with the guidelines furnished by the Louisiana Criminal Justice Information System (LCJIS) staff and utilizing LCLE-Privacy and Security Form Number 9 (Agency Systematic Audit Check-off List).

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812.4 AUTHORIZED RECIPIENTS OF INFORMATION

CHRI may be accessed or released as follows.

812.4.1 MEMBER ACCESS

Employees may access or otherwise obtain records or CHRI information and department files only in accordance with their official duties. An employee may not access confidential information until a background investigation has been completed on the employee and approved and until he/she has completed all required training.

CHRI shall be used solely for the purpose for which it was obtained. Members may not use CHRI information in any unauthorized manner, for any unauthorized purpose, or disclose CHRI to any person who is not entitled to the information.

Unauthorized accessing or release of information may subject the employee to criminal prosecution). Employees violating this policy may also be subject to administrative action pursuant to the Personnel Complaints Policy.

812.4.2 RELEASE OF INFORMATION

Each person authorized to release CHRI information is responsible for ensuring that each request appears legitimate and that the requester is an authorized recipient. Only the persons listed below are authorized to release CHRI information:

(a) Terminal Agency Coordinator.

(b) Custodian of Records or his/her designee.

(c) Full-time employees of the Records Division.

(d) Personnel specifically designated in writing by Deputy Superintendents with the concurrence of the Custodian of Records or his/her designee.

812.4.3 AUTHORIZED RECIPIENTS

CHRI may be released to authorized recipients for criminal justice purposes. All law enforcement personnel with proper identification are authorized recipients, if they are acting in the scope of their official duties. In addition, non-criminal justice agencies may be entitled to limited CHRI for legitimate employment, licensing or authorized investigative purposes.

Conviction records for certain crimes may be disseminated without restriction (La. R.S. 15:548).

812.4.4 DISSEMINATION OF INFORMATION

When CHRI is disseminated, the Records Division shall maintain a dissemination log pertaining to each transaction with the appropriate information to include maintaining the log for the designated time period (La. R.S. 15:548(G).

812.5 PROTECTION OF INFORMATION

Sensitive information obtained through law enforcement databases, such as CHRI, should generally not be transmitted by radio.

Information shall be stored in the Records Division where constant personnel coverage will be provided. If information is stored elsewhere for investigative or other law enforcement purposes, it shall be secured in locked desks, locked file cabinets or in locked rooms.

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The Custodian of Records, or his/her designee, is responsible for necessary procedures to supervise and protect system information by (La. R.S. 15:589):

(a) Limiting direct access to records.

(b) Limiting direct access to information.

(c) Including procedures to prevent file destruction.

(d) Ensuring computer terminal security including preventing unauthorized access.

(e) Utilizing a means of detection regarding unauthorized penetrations.

(f) The proper destruction of records.

(g) Designating where and how such records should be stored.

812.5.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment that is capable of providing access to law enforcement databases, including automated CHRI records, shall be maintained in secure areas to preclude access by unauthorized individuals. The terminals must be housed in areas outside of screen view of the public at all times.

Officers shall ensure that patrol vehicles remain secured when unoccupied to preclude access to the Mobile Digital Computer (MDC) located within the vehicle that may have access to confidential information.

812.5.2 DESTRUCTION OF RECORDS

When any confidential document, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it should be disposed of via a permanent destruction method, in compliance with the organization's records retention schedule. At no time shall documents merely be placed in a trash receptacle.

Each employee shall be responsible for properly destroying CHRI documents he/she receives.

812.6 REVIEW OF AND CHALLENGE TO RECORDS

The Department shall post a public notice informing individuals of their right to access and to administratively challenge the completeness or accuracy of their individual CHRI. Additionally, every individual seeking to avail him/herself of the querying procedures shall be provided with a list of all affected agencies, and informed of the significance of querying a non-affected agency

If an individual seeks to review records not held by the Department, the individual should be directed to the applicable agency.

Viewing of CHRI shall be limited to ordinary business hours.

812.6.1 REVIEW OF RECORDS

Upon written request and with proper payment of fees and proof of identification, an individual has the right to access and review his/her own CHRI on file with the Department. However, an individual is not entitled to data contained in intelligence, investigatory or other related files).

Individuals or their personal representatives seeking access shall be allowed to view the desired individual CHRI within a reasonable time, not to exceed three days, provided that where fingerprint classification is an essential prerequisite to the location and retrieval of

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the record sought, the time period within which viewing must be made possible may be extended by an additional 30 days.

The Department shall make available facilities and personnel necessary for such viewing, and shall in all respects maintain a cooperative attitude toward individuals requesting viewing. Viewing shall occur only within department facilities, and only under the supervision and in the presence of a designated employee.

The Department shall, in every instance, diligently seek to provide the information requested. Every out-of-parish criminal justice agency listed on the request for viewing shall be contacted within seven days of receipt of the request for viewing.

When the Department receives a request for information, employees must make every effort to locate the information requested, and shall in any event forward a reply to the requesting agency within seven normal working days of receipt of the request, except as provided for requests to the central state repository.

The Department shall fingerprint individuals requesting that the central state repository be queried. In such instances where an authorized representative is presenting a query to the central state repository on behalf of an individual, the representative shall supply at least two sets of the represented individuals' fingerprints on standard fingerprint cards. The fee charged for querying the central state repository and supplying a copy of the results of such query shall be $10. Five dollars of this amount shall be forwarded to the central state repository along with the query, and the remaining $5 shall be placed in the department treasury.

When CHRI is requested by a personal representative, the representative must present positive proof of the identity of the individual actually involved as well as a sworn authorization from the involved individual. Positive proof of identity shall mean fingerprints. Upon presentation on the authorization and positive identifier, the representative shall be permitted to request, examine, and/or challenge the CHRI specifically relating to the involved individual.

812.6.2 PRIVACY AND SECURITY OF REVIEW

A record of each individual viewing a record shall be maintained by the completion and preservation of LCLE-Privacy and Security Form Number 2. Each such form shall be completed and signed by the supervisory employee present at the review. The reviewing individual shall be required to certify by his/her signature that he/she has viewed the CHRI requested.

812.6.3 CHALLENGE TO RECORDS

Each viewing individual shall have the right to challenge and request correction of the content, completeness, or accuracy of his/her individual CHRI. Each individual shall be informed at the time of viewing of his/her rights of challenge. The challenge shall be directed to the Custodian of Records or his/her designee.

If after viewing their record an individual wishes to challenge or request correction of such record, he/she may do so by submitting an LCLE-Privacy and Security Form Number 3, a complaint which shall contain particularized written exceptions to the CHRI's contents, completeness, or accuracy. The complaint shall include a confirmation, signed by the individual or his/her legal representative that the exceptions are made in good faith and are true to the best of the individual's knowledge, information, and belief. A copy of the complaint shall be forwarded to the LCLE Privacy and Security Committee.

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If, subsequent to viewing, an individual who was not previously fingerprinted wishes to challenge or correct his/her record, he must submit to fingerprinting so that it can be absolutely assured that the challenging individual is the subject of the record which he/she seeks to challenge or correct.

812.6.4 REVIEW OF CHALLENGE TO RECORDS

Upon receipt of a request to correct a record, the Custodian of Records, or his/her designee, will evaluate the request within 45 days as follows:

(a) The Custodian of Records, or his/her designee, will review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part within 15 days.

(b) The LCLE Privacy and Security Committee, the challenging individual, and his/her legal representative shall be informed in writing of the results of the audit within 15 days after such results are final using LCLE-Privacy and Security Form Number 4.

(c) If the Custodian of Records, or his/her designee, determines that a correction is warranted, the Custodian will ensure the change or correction is made and:

1. Notify the individual requestor.
2. Notify other applicable agencies where information was disseminated within the previous 90 days.
3. Notify LCLE Privacy and Security Committee.
4. Notify the Central State Repository.
5. Complete a correction record in the dissemination log.

(d) If the Custodian of Records, or his/her designee, refuses to make the requested correction, the Custodian should promptly provide the requestor with a written statement of the grounds for the refusal and information as to how the requestor may proceed with an administrative appeal with the LCLE Privacy and Security Committee.

(e) Upon request, the Custodian of Records, or his/her designee, shall give the requestor the names of all non-criminal justice agencies to which the data has been disseminated.

(f) An appropriate employee will be designated by the Department to respond and present evidence at an administrative review hearing.

(g) Upon final determination that the content of an individual CHRI is inaccurate or incomplete, the Department shall provide the individual or his/her legal representative with a list of the non-criminal justice agencies to which the inaccurate or incomplete CHRI has been disseminated within a 90 day period immediately preceding the final disposition of the challenge.

812.7 MOTION INQUIRIES

Due to the nature of ordinary police function, it is not always possible for an officer or other employee to actually enter the inquiry transaction at a computer terminal. If the inquiring officer is unable to utilize a computer terminal, the following procedure shall be followed:

(a) The officer or employee actually entering the inquiry shall enter his social security number and password.

(b) To relieve the person making the entry of responsibility for the retrieved information he shall enter either the social security number or the car number of the individual requesting the information.

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(c) If the individual requesting the inquiry is not on duty he shall supply his badge number to the employee making the inquiry.

(d) On all telephone inquiries, the requesting individual shall supply their social security number to the individual actually entering the data.

Employees who fail to enter a social security number, car number or badge number of the employee requesting information through the MOTION system shall be held responsible for the disposition of the information obtained through the computer check. The employee shall also be subject to disciplinary action for failing to enter the required requestor information.

Employees are reminded that information obtained through the MOTION system shall not be released to individuals outside the New Orleans Police Department without written permission of the Superintendent of Police, or his/her designee. An exception is granted to outside law enforcement personnel acting in the performance of their duty.

812.8 TRAINING

All personnel authorized to access, process or release information received from law enforcement telecommunications or databases shall be required to complete a training program prescribed by the Custodian of Records, or his/her designee,. The Training Division shall coordinate the course to provide training in the proper use, control, and dissemination of information.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes guidelines for the seizure and storage of computers and other electronic devices, digital cameras and recorders that are capable of storing digital information. The policy also establishes guidelines for the preservation and storage of digital evidence.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

The collection, preservation, transportation and storage of computers and related equipment requires specialized training and handling to preserve its value as evidence. If it is anticipated that computer evidence or equipment will be seized, officers should request that computer forensic examiners assist them in seizing computers and related evidence. Officers should be aware of the potential to destroy information through careless or improper handling and should utilize the most knowledgeable resources available.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Until properly secured, networked computers can be accessed remotely to alter critical hard drive data. Cases involving networks require specialized handling. Officers shall contact a forensic computer examiner for instructions or a response to the scene. It may be possible to perform an onsite inspection or to image only the hard drive of the involved computer. This should only be done by someone specifically trained in processing computers for evidence such as a forensic computer examiner.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, external drives, compact discs or any other storage media is required, certain items should be forwarded to a computer forensic examiner. These include:

(a) A copy of reports involving the computer, including the evidence/property sheet.

(b) A copy of a consent-to-search form signed by the computer owner, the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation or other legal authority for examination.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

A forensic copy of the digital storage media will be made by a trained computer forensic examiner and the original preserved as evidence. Any subsequent forensic examination will be conducted on the original copy by a trained computer forensic examiner.

814.3 FARADAY BAG

Prior to the seizure of any electronic device capable of transmitting or receiving a radio signal for the purpose of forensic analysis by the Digital Forensic Unit, officers shall sign out a Faraday bag from Central Evidence and Property. The Faraday bags come in three sizes:

- Small (for cell phones)

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- Medium (for IPads/Netbooks)
- Large (for laptop computers)

Immediately upon seizing a device, it should be placed inside a Faraday bag to prevent the possible loss of evidence. The seized item(s) shall then be logged as evidence at Central Evidence and Property.

814.4 SEIZING DIGITAL EQUIPMENT

Digital storage media, including but not limited to hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a hard-sided non-metallic container that is not susceptible to electrostatic interference. Faraday bags are available in the Digital Forensic Unit office, Central Evidence and Property, and the Crime Lab.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.5 SEIZING PERSONAL COMMUNICATIONS DEVICES (PCD)

Personal communication devices (PCDs) such as cellular telephones, personal digital assistants (PDAs) or other handheld devices must be handled with care to preserve evidence that may be on the device, including messages, stored data or images.

(a) Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages. Officers generally should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert.

(b) Do not turn the device on or off. The device should be wrapped in no less than six sheets of heavy duty aluminum foil or placed in a solid metal container, such as a paint can when a Faraday bag is not available to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, officers shall also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

814.6 RETURN OF SEIZED STORAGE MEDIA

Contraband, including but not limited to illegal images, stored on digital storage media (hard drives, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices, PCDs and PDAs or other handheld devices) shall be removed by a computer forensic examiner or other qualified personnel prior to return to the owner.

814.7 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity

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and admissibility of such evidence. Officers shall not create or maintain copies of digital evidence outside of the work environment.

814.7.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.7.2 SUBMISSION OF DIGITAL MEDIA

The recording media (smart card, compact flash card or any other media) shall be brought to Central Evidence and Property as soon as possible for submission into evidence.

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Animal Control

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the New Orleans Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

820.2 POLICY

The Louisiana Society for the Prevention of Cruelty to Animals (SPCA) is responsible for impoundment of animals in violation of city ordinances.

Requests for assistance by the SPCA shall be acknowledged and responded to promptly by officers.

820.3 OFFICER RESPONSIBILITIES

Until a response from the SPCA, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of the SPCA. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the SPCA. An officer may consider acting before the arrival of the SPCA:

(a) When there is a threat to public safety.

(b) When an animal has bitten someone. Officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

820.3.1 ANIMAL CRUELTY COMPLAINTS

An officer shall conduct a preliminary investigation on all reports of animal cruelty and immediately forward the information on legitimate animal cruelty complaints to the SPCA for investigation. Officers shall not hesitate to take any immediate actions deemed necessary to prevent the perpetration of any act of cruelty to animals in his/her presence.

820.3.2 STRAY ANIMALS

If an animal has a license/tag or can otherwise be identified, the officer should contact the owner, if reasonably possible. If the owner is contacted, the animal should be released to the owner's custody.

The decision to impound an animal shall be made by the representative of the SPCA on the scene. If a violation of a city ordinance has occurred, the investigating officer shall be responsible for conferring with the SPCA representative to ensure a summons is issued.

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820.3.3 ANIMAL BITES TO HUMANS

Officers shall obtain as much information from the victim/witnesses, including name and address, and complete an incident report for forwarding to the SPCA for follow-up. Where the owner of an animal injuring an individual is known, the name, address and date of birth of the owner shall be contained in the incident report. The name of the owner of the animal shall be given to the victim by the investigating officer.

Officers shall instruct an owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the SPCA. If the animal is a stray, officers shall contact Command Desk, who shall notify the SPCA. Officers shall assist the SPCA with the capture and impound the animal immediately.

820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the SPCA as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of the problem. Officers will also document any actions taken and related report numbers.

Unless equipped with appropriate expertise and safety equipment, employees responding to incidents involving vicious or rabid animals should remain at a safe distance and request the assistance of the SPCA.

820.4 DECEASED ANIMALS

Officers responding to incidents of dead animals on public property shall request removal of the animal by the Department of Sanitation via Communications Services.

820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of the department, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, the SPCA shall be notified. If a veterinary hospital is near, the officer(s) may relocate the animal to the veterinary hospital with their permission.

(a) Injured or deceased wildlife should be referred to the Louisiana Department of Wildlife and Fisheries (LDWF).

(b) When handling deceased or injured animals, department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(c) Each incident shall be documented, at minimum, to include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the SPCA is unavailable, the information will be forwarded for follow-up.

820.6 CITATIONS

If a violation of a city ordinance has occurred involving an animal, the investigating officer shall confer with the SPCA representative to ensure that a summons is issued. Officers shall not issue citations for cruelty or dangerous/vicious animals without first contacting the SPCA. SPCA is required to come to the scene of any dangerous/vicious animal and remove the animal.

820.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is

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only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

820.8 SEARCH WARRANTS

When officers of the department are serving a search warrant at a location where animals are present, the officers shall, when possible, contact the SPCA and provide them with a 24-48 hours notice of the service of the search warrant.

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Marine Search and Rescue Unit

831.1 PURPOSE AND SCOPE

The Marine, Search and Rescue Unit is established for the purpose of recovering evidence, searching for lost or missing boaters, recovery of bodies from area lakes and bayous, as well as retrieval of submerged vehicles or other assignments as directed by the Superintendent of Police or his/her designee.

831.2 POLICY

The Marine, Search and Rescue Unit is available to all department personnel on a twenty-four hour basis. The Special Operations Division Commander will provide a monthly roster of available call-out personnel to the Command Desk.

Due to their hazardous nature, no underwater operations will be conducted in the Industrial Canal or Mississippi River.

Command of Marine, Search and Rescue Unit personnel on the scene of a dive will be the responsibility of the Dive Team supervisor or the Tactical Section Commander.

The Command Desk shall contact the Marine, Search and Rescue Unit duty supervisor with all the facts surrounding the request for service. The Marine, Search and Rescue Unit supervisor will make a determination whether or not to initiate underwater, water born, or land based search/rescue operation.

831.3 OFFICER'S RESPONSIBILITIES

The officer on the scene shall contact his/her supervisor once it has been determined the assistance of the Marine, Search and Rescue Unit maybe be needed. The supervisor shall proceed to the scene and obtain all pertinent information from the officer prior to requesting the Marine, Search and Rescue Unit.

831.4 SUPERVISOR'S RESPONSIBILITIES

The supervisor shall contact the Command Desk once he/she has determined the assistance of the Marine, Search and Rescue Unit shall be requested. The supervisor shall inform the Command Desk with all the relevant information pertaining to the request.

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Computer Voice Stress Analyzer (CVSA), Polygraph Testing and Psychological Stress Evaluator (PSE)

840.1 PURPOSE

The purpose of this regulation is to establish a policy regulating the administration of the Computer Voice Stress Analyzer (CVSA), the Psychological Stress Evaluator (PSE), and Polygraph examinations in connection with pre-employment, criminal, and internal investigations conducted by the New Orleans Police Department. Additionally, this policy provides investigative officers with a general knowledge of procedures and use of the equipment.

840.1.1 DEFINITIONS

Definitions related to this policy include:

Certified Stress Analyst and Psychological Stress Evaluator - Any person who is state certified to be able to detect deception or verify truth of statements through the use of emotional stress detectors or instrumentation.

Emotional stress detector - An instrument or apparatus for permanently and visually recording the physiological reactions of stress in an individual.

Emotional stress instrumentation - The minimum required instrumentation which may be used by a stress analyst.

Polygraphist - Any person who is state certified to be able to detect deception or verify truth of statements through the use of polygraph equipment.

Polygraph machine - An instrument that records certain physiological changes in a person undergoing questioning in an effort to establish truth or deception.

Overt interviews - Live interviews by the CVSA examiner with a suspect, victim, witness or complainant. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA or PSE for analysis. Additionally, all or portions of the interviews will be recorded on audio and/or video tape.

Covert interviews - Audio tape analysis by the CVSA or PSE examiner where investigators have obtained voluntary tape interviews from a suspect, victim, witness, or complainant. The interviews are designed to capture a yes or no response to pre-formatted questions. This taped interview will then be analyzed by the CVSA or PSE.

Audio tape analysis - CVSA or PSE examiner's analysis of the recorded responses of taped interviews wherein the individual has responded with yes or no answers to a pre-formatted questionnaire.

840.2 GENERAL

Upon order of the Superintendent of Police, any Department member shall be required to submit to a CVSA, PSE and/or Polygraph examination to clarify any matter concerning an internal administrative investigation.

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Voluntary written consent shall be obtained from all individuals prior to testing, except as provided for in this policy.

Any member refusing an order to submit to a CVSA, PSE, and/or Polygraph examination will be subject to disciplinary action.

Polygraph, PSE and CVSA testing shall not be used as a single determinant for gaining employment or final determinant factor in investigations. The tests shall not be used to circumvent good investigative procedures.

The CVSA and PSE are used for truth verification. Therefore, these tests should be viewed as a means to protect the integrity of the interviewee.

Polygraph examinations have long been an established method of truth verification. Polygraph examinations are conducted as an aid to criminal, internal, and applicant investigations conducted by this department. Polygraph examinations shall be used in conjunction with established investigative techniques.

840.3 USE OF CVSA, PSE AND POLYGRAPH EXAMINATION FOR EMPLOYMENT PURPOSES

CVSA, PSE and/or Polygraph examinations shall be used in the selection process for pre-employment. Applicants will be provided with a list of areas from which CVSA, PSE, and

Polygraph questions shall be drawn at the time of their formal application.

The polygraph examiner shall review all relevant applicant screening reports and applicant personal history summaries before conducting the examination.

CVSA, PSE and/or Polygraph tests will be administered to police/civilian applicants for the following purposes:

(a) To verify accuracy and completeness of the information on the application;

(b) To resolve questions or conflicts arising during background investigation;

(c) To document history of criminal or other disqualifying behavior; and

(d) To deter those seeking to penetrate law enforcement departments for improper purposes.

Questions to be asked will be provided to the applicant at the test location just prior to testing so applicants can have sufficient time to review and ask the examiner questions.

CVSA, PSE and Polygraph tests will not be the single determinant of employment. However, admissions made before, during, or after the examination may be used to determine suitability for employment.

840.4 USE OF CVSA, PSE AND POLYGRAPH EXAMINATIONS FOR INVESTIGATIVE PURPOSES

CVSA, PSE and Polygraph examinations may be utilized in conjunction with investigative leads and interviews of suspects, victims, and witnesses. When practical, both the victim and the accuser should be tested in order to add validity to the examination results. CVSA, PSE, or

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Polygraph examinations may only be conducted on a civilian complainant, victim, or witness after he/she has given a complete and formal interview statement and should only be used when there is little physical evidence or there are disinterested witnesses, and only as a method of verifying the person's statement. The use of CVSA, PSE, or Polygraph examinations for investigative purposes shall be strictly voluntary on the part of the civilian complainant, victim, or witness. These results are not to be used for arrest or legal action, but are designed for developing leads, validity, and obtaining case direction. Whenever practical during the use of CVSA/PSE, audio tape analysis should be followed up with a live interview and examination.

An examiner shall not conduct an examination upon a subject if it is believed, for any reason that an unbiased examination cannot be given.

Where appropriate, the examiner shall read Miranda rights to the subject and explain the voluntary nature of the test. Where required, the examiner shall obtain a signed consent prior to administering the examination.

Examinations shall cease immediately if requested by the person being tested.

Prior to any test, the examiner shall explain the procedure to the subject and provide sufficient time for the individual to prepare.

In internal disciplinary investigations, a CVSA exam may be administered to an officer, complainant, or witness only after approval for such an exam has been obtained from the Superintendent of Police. Approval must be obtained in writing prior to the administering of a CVSA exam to any department personnel or civilian.

840.5 PERSONS WHO MAY BE TESTED

Any individual who knows right from wrong may be tested. Generally, children who recognize right from wrong are testable. However, children will only be tested at the examiner's discretion and with consent of a parent or legal guardian.

840.6 PERSONS WHO MAY NOT BE TESTED

Children under six years of age will not be tested.

Individuals under the age of 18 must have the consent of a parent or legal guardian prior to testing. The consent must be in writing and in the possession of the examiner prior to the examination.

Any person who has been forced or coerced into taking the examination (except as provided for in this regulation) will not be tested.

Any person who has been formally charged with a crime shall not be tested unless there is an agreement and stipulation signed by the person to be examined, his/her defense attorney and the prosecutor.

CVSA, PSE or Polygraph examinations shall not be conducted on anyone who is not sufficiently relaxed. A cooling off period will be required for anyone following an interrogation, intense interview, or who is extremely angry.

Anyone who is severely mentally handicapped or impaired by alcohol or drugs will not be tested.

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840.7 RESPONSIBILITIES OF CVSA, PSE AND POLYGRAPH EXAMINERS

The CVSA, PSE or Polygraph examiner shall review the available information pertaining to the case in question prior to administering an examination.

The CVSA, PSE or Polygraph examiner shall have the approval of his/her supervisor prior to conducting a tape analysis unless it is accompanied by a voluntarily signed consent. Any covert use of the CVSA or PSE must be authorized by the examiners Division/Section Commander. Individuals shall not be examined at the request of another agency without written approval of the Superintendent of Police.

Requests for tests directed to the Public Integrity Bureau will be approved by the Commander of the Public Integrity Bureau and the Superintendent of Police.

All CVSA PSE and Polygraph operators will submit a monthly log to his/her respective Division/Section Commander.

The CVSA or PSE examiner will obtain a second opinion from another certified examiner on all major cases as determined by his/her respective Division/Section Commander.

The CVSA, PSE and Polygraph examiner shall not conduct examinations that may compromise the examiner's integrity (e.g., tests on close friends, relatives, and persons the examiner has a relationship with).

CVSA, PSE and Polygraph examiners are not obligated to accept an order from a superior or governing authority that would cause him/her to violate professional standards (standards taught by the certified examiner's course). Examiners are not obligated to obey illegal orders and are not obligated to conduct an examination on a subject that is not suitable for testing. The examiner is the final authority. Examiners refusing to obey orders relative PSE, CSVA or Polygraph professional standards shall document same through an NOPD form 105 (interoffice correspondence) through his/her chain of command to the Superintendent of Police.

In the event the examiner declines to administer an examination and the decision is questioned, a second opinion from another CVSA or PSE examiner will be obtained.

The polygraph examiner shall independently interpret the chart tracings and render an opinion on findings such as, but not limited to: No Deception, Deception Indicated or Inconclusive.

840.8 RESPONSIBILITIES OF OFFICER/INVESTIGATOR REQUESTING A CVSA, PSE OR POLYGRAPH EXAMINATION

The investigator should adequately complete an investigation or consult with the examiner during the investigation prior to an examination being scheduled.

The investigator will be responsible for notifying the subject of the date and time of the scheduled appointment and ensure the subject has transportation to the location of the examination.

The investigator will remain available at the test location until completion of the examination unless otherwise agreed to by the examiner and investigator.

The investigator will notify the CVSA, PSE, or Polygraph examiner immediately if the subject cancels an examination appointment.

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A CVSA, PSE or Polygraph test should be utilized during investigations in which truthfulness is an issue.

840.9 CVSA, PSE AND POLYGRAPH RECORDS

CVSA, PSE and Polygraph records will include, depending on the circumstances, a waiver of rights form, a voluntary submission form, a subject information sheet, any CVSA or PSE graphs, any polygraph charts and statements of results.

CVSA, PSE and Polygraph records will be maintained for that period of time as specified by the Public Records Act and/or until any litigation is concluded. CVSA, PSE and Polygraph records will be maintained in a secure area within their respective originating unit.

840.10 PUBLIC INTEGRITY BUREAU

CVSA, PSE and Polygraph examinations shall not be administered during criminal investigations involving employees of the New Orleans Police Department without a signed Rights of an Arrestee or Suspect form indicating the individual has waived his/her rights. Additionally, a Voluntary Submission Form must be signed by the individual indicating he/she is freely submitting to the CVSA, PSE and/or Polygraph test.

Civilian complainants and witnesses may be tested by use of the CVSA, PSE and/or Polygraph tests if a question of truthfulness arises during the investigation of their complaint or allegation.

These interviews shall only be conducted after a Voluntary Test Waiver form has been signed.

In the case of a CVSA or PSE covert interview (audio tape analysis), the operator shall receive authorization from the Commander of the Public Integrity Bureau should the individual be an employee of the Department.

840.11 CVSA/POLYGRAPH EXAMINERS

Members certified as CVSA, PSE or Polygraph examiners, whose certification and training has been supplied or paid for by the City of New Orleans and whose normal duties and responsibilities do not normally cover CVSA, PSE or Polygraph testing, may be called upon to administer examinations as the need arises.

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M.O.T.I.O.N. Computer Inquiries

843.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for the identification of individuals requesting information through the Metropolitan Orleans Total Information Online Network (M.O.T.I.O.N.) computer network.

843.2 INSTRUCTIONS

Due to the nature of the ordinary police function, it is not always possible for an officer or other employee to actually enter the inquiry transaction at a computer terminal. If the inquiring officer is unable to utilize a computer terminal, the following procedure shall be followed:

(a) The officer or employee actually entering the inquiry shall enter his/her social security number and password.

(b) To relieve the person making the entry of responsibility for the retrieved information he/she shall enter either the social security number or the car number of the individual requesting the information.

(c) If the individual requesting the inquiry is not on duty he/she shall supply his/her badge number to the employee making the inquiry.

(d) On all telephone inquiries the requesting individual shall supply their social security number to the individual actually entering the data.

Employees who fail to enter a social security number, car number, or badge number of the employee requesting information through the M.O.T.I.O.N system shall be held responsible for the disposition of the information obtained through the computer check. The employee shall also be subject to disciplinary action for failing to enter the required requested information.

M.O.T.I.O.N computer inquiries are for official police business only. Employees are reminded that information obtained through the M.O.T.I.O.N system shall not be released to individuals outside the New Orleans Police Department without written permission of the Superintendent of Police. An exception is granted to outside law enforcement personnel acting in the performance of their duty.

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Chapter 9 - Custody

Temporary Holding Facility - Juvenile

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish minimum guidelines to address the health and safety of those juveniles temporarily held in custody at the New Orleans Police Department Temporary Holding Facility while awaiting release or transportation to another facility (R.S. 15:738).

This policy does not apply to the temporary custody of juveniles. Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy.

900.2 POLICY

The Department of Police is committed to protecting the safety and health of those juveniles being temporarily held in custody at the New Orleans Police Department and to providing a secure environment.

900.3 GENERAL CRITERIA AND SUPERVISION

900.3.1 LENGTH OF CUSTODY

The Juvenile Platoon Commander should ensure that no child is held in temporary custody for longer than six hours. The Juvenile Platoon Commander should be notified if it is anticipated that a child may need to be held at the facility for longer than four hours.

900.3.2 SUPERVISION OF PERSONS IN CUSTODY

No person shall be held in custody unless the on-duty supervisor or the authorized designee remains within the building to supervise and respond to emergencies within the facility. The supervisor or the authorized designee shall not leave the building while persons are in custody and shall not have other duties that could conflict with the supervision of detainees.

Detainees should be able to verbally contact a supervisor or an employee at all times.

900.3.3 PERSONS NOT TO BE HELD

Persons in the following classifications shall not be held at the New Orleans Police Department Temporary Holding Facility, but should be transported to the Youth Study Center, the designated medical facility or other facility as appropriate. Persons who should not be detained include any person:

(a) Who is sick or injured requiring medical attention.

(b) With a medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.

(c) Who has claimed, or is known to be afflicted with, or displays symptoms of any communicable disease.

(d) Suffering from a severe mental disorder; refer to the Mental Illness Commitments Policy.

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(e) Who is combative or unruly and is likely to cause damage to the facility or severely disrupt the good order of the facility.

(f) Who is or may be contemplating suicide.

(g) Suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotics, sedatives, tranquilizers, anti-neoplastic (cancer) drugs, research medication or any person suffering from withdrawals of any of the above.

(h) Who is intoxicated.

(i) Requiring medication.

900.3.4 PERSONS WHO MAY BE HELD

Persons in the following classifications may be held in custody at the New Orleans Police Department Temporary Holding Facility with the approval of the Juvenile Platoon Commander. This includes those who:

(a) Need to be processed and may later be transported to a parish jail or otherwise released (i.e., bail, promise to appear in court).

(b) Are in-custody and need to be interviewed or held for another investigative purpose.

900.4 INITIAL PROCEDURES

900.4.1 CUSTODY LOG

A custody log shall be kept in the booking area. Any person in custody at the New Orleans Police Department shall be entered into the custody log. The booking officer and/or personnel responsible for maintaining detainees in the facility will enter into the log the:

(a) Item number;

(b) Date and time of booking;

(c) Charges;

(d) Person's name;

(e) Arresting officer's name;

(f) Date and time of release; and

(g) Date of birth of detainee.

The Juvenile Platoon Commander shall make periodic checks to ensure the log entries and safety and security checks are made on time.

The Juvenile Platoon Commander shall review all logs weekly.

900.4.2 PROCESS FOR RECEIPT OF PERSONS

The arresting and/or booking officer should:

(a) Conduct a booking search of each person as detailed in the Custody Searches Policy;

(b) Remove all contraband, hazardous items, belts, shoes and jackets from each person;

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(c) Inventory, secure and record all property removed from each person as detailed in the Custody Searches Policy;

(d) Ensure fingerprints and palm prints are obtained and submitted as appropriate;

(e) Take two front view photos;

(f) Complete any required booking and intake form;

(g) In the case of an arrest involving an intoxicated juvenile, the juvenile shall be immediately taken to the hospital, and

(h) Log the person into the custody log. This procedure shall be completed regardless of the length of time the person is to be held.

900.4.3 AT RISK CLASSIFICATIONS

All employees with information related to a person's risk of suicide shall ensure such information is reported to a supervisor and the booking officer. During the booking procedure, the booking officer shall ask the person if he/she is contemplating suicide. The officer shall evaluate the person for other signs or indications the person may be suicidal. If there is any suspicion the person may be suicidal, he/she shall be transported to the appropriate mental health facility.

900.4.4 FEMALES

Males and females shall not be placed in the same cell or in unsupervised areas together.

Whenever one or more females are in custody, there shall be at least one female employee, who shall be available and accessible to the female detainees, when possible.

No female who is in labor should be held in temporary custody. No juvenile who is in labor or delivering shall be restrained except when all of the following exist:

(a) There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates or the public.

(b) A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.

(c) There is no objection from any treating medical care provider.

(d) The restraints used are the least restrictive type and used in the least restrictive manner.

900.5 SAFETY AND HEALTH

900.5.1 MEDICAL CARE

Should medical aid be necessary for a person injured or who becomes ill during detention, a supervisor shall meet with those providing medical aid to allow access to the detainee. The decision to transport the person to a hospital will be the decision of the paramedic. If any person is transported while still in custody, the person will be accompanied by an officer. If the person is detained for a misdemeanor, the supervisor may release the person to his or her parents or guardian.

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900.5.2 MEDICATION

The New Orleans Police Department is generally not appropriate for holding persons who will require medication during the period of their temporary custody. It is preferable that persons requiring medication be housed at another facility.

Exceptions may be made by the Juvenile Platoon Commander or another supervisor only under unusual circumstances. A supervisor authorizing this type of detention should note in the custody log the unusual circumstances necessitating the detention, the maximum period of the detention and sign the booking entry.

If a juvenile states they are sick or injured, the arresting officer shall take the juvenile to the hospital. Juvenile Intake has the right to refuse a sick or injured juvenile without proper medical release papers.

Juvenile Intake officers do not administer medication. However, the parent is allowed to come and administer medication to the juvenile.

900.6 HOLDING CELLS

900.6.1 HOLDING CELL SECURITY

(a) Prior to placing a person into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other detainees are present in the cell, this inspection shall be done visually without removing other detainees.

(b) If the booking employee is alone, any other detainees in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.

(c) Keys shall be returned to their secure location prior to leaving the building.

(d) Access to the detention area should be restricted to employees who are in the process of or assisting with the booking or release of detainees, or personnel conducting safety and security checks.

(e) Maintenance and/or cleaning personnel shall be accompanied at all times by an officer when detainees are present.

900.6.2 HOLDING CELLS AND BLANKETS

(a) Detainees shall have toilets and water service available.

(b) Seating should be provided for each detainee.

(c) Temperatures in the cells should be maintained between 66 and 80 degrees Fahrenheit.

(d) Blankets should be provided to the detainee if needed.

(e) The responsible supervisor should ensure that adequate supplies of clean blankets are available.

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900.6.3 MONITORING OF PERSONS IN A CELL

All detainees shall be checked through direct visual observation without the aid of surveillance cameras as follows:

(a) All detainees shall be visually checked no less than once every 15 minutes. Detainees in physical restraints shall be personally checked by staff at least once every 10 minutes.

(b) An official count shall be conducted every shift to verify detainees' physical presence and identification.

(c) All checks shall be documented in the custody log or other check sheet designed for that purpose.

900.7 SECURITY

900.7.1 FIREARMS AND OTHER SECURITY MEASURES

Firearms, deadly weapons or any type of explosive device shall not be permitted in secure areas where detainees are processed or held. Such weapons should be properly secured outside of the secure area. An exception may occur only during emergencies upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times except during routine cleaning, when no detainees are present or in the event of an emergency, such as an evacuation.

Cell doors are to be locked at all times when juveniles are in the facility.

No juvenile shall be allowed to smoke or possess smoking materials in the detention area. Restraint

devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall
be used in accordance with department policy and only with the approval of the Juvenile Platoon Commander.

900.7.2 SECURITY SEARCHES

The Juvenile Platoon Commander should ensure that all areas accessible to a person in custody, including cells, are inspected for contraband and physical security deficiencies at least once per week.

The Commander and immediate supervisor should be notified of any discovered contraband or physical security deficiencies. The appropriate disposition of contraband and the remediation of physical security deficiencies should be documented.

900.8 PARENTAL NOTIFICATION

When making an arrest of a juvenile, officers shall not contact the parent. Parental contact shall be made by the Juvenile Intake Section when the juvenile offender is transported and custody of the juvenile offender is turned over to a Juvenile Detective.

The arresting officer shall be responsible for notifying the parent or guardian when a juvenile is transported to a medical facility (refer to Policy 490)

900.9 RELEASE OF DETAINEE'S PROPERTY

No property confiscated from the juvenile shall be returned to the juvenile until the juvenile has been released.

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900.10 TRANSPORTATION OF DETAINEES

Generally, persons of the opposite sex, and juvenile detainee should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregation is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a detainee is to be transported to another facility by a member of this department, the transporting officer shall be responsible for the following:

(a) Verifying that the person has been checked for any outstanding local, state or federal warrants;
(b) Verifying that the identity of each person to be transported matches the booking paperwork;
(c) Ensure that all pertinent documentation accompanies the person, such as copies of booking forms, medical records when appropriate, an itemized list of the detainee's property and warrant copies; and
(d) Ensure that any known threat or danger the person may pose, such as escape risk, suicide potential or medical condition is recorded on the person's booking documentation and is transported with the person to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.11 SANITATION AND MAINTENANCE

All areas used for temporary custody shall be maintained in good repair and in a clean and sanitary condition and should be inspected annually by a certified local or state health inspector (R.S. 15:751).

The Juvenile Platoon Commander should inspect the areas at the beginning and end of each shift to ensure that the detention area is clean and maintained. Any maintenance problems will be reported to the maintenance manager.

900.12 DEATH OF A DETAINEE

An officer who discovers a fatal injury or the death of a detainee while in temporary custody shall immediately notify the Juvenile Platoon Commander. The Juvenile Platoon Commander shall immediately notify the:

(a) Commander of the Juvenile Section;

(b) Commander of the Criminal Intelligence Division;

(c) Public Integrity Bureau Chief; and

(d) Investigations and Support Bureau Chief.

900.13 ESCAPES

In the event of an attempted escape, the following measures should be taken:

(a) If an escape attempt is underway, with or without an officer present, the Communications Center should perform the following actions in sequential order:

1. Broadcast an immediate alarm over the radio system;

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2. Notify the Platoon Commander, other supervisors and other resources as directed by supervisors, to immediately respond to prevent the escape and/or assist the officer involved; and
3. Alert administrative personnel of the attempted escape using appropriate communication systems.

(b) All available personnel are to respond to aid in prevention of an escape.
(c) If the escape is successful, Juvenile Intake will complete a Louisiana and National Criminal Information center (NCIC) teletype broadcast to surrounding agencies. The teletype, with the approval of a supervisor, should provide a physical description of the escapee, the reason for his/her detention, whether the person is armed and if there were any injuries related to the escape.

900.13.1 POST-ESCAPE INCIDENT ACTIONS

Once an escape has been thwarted or the escapee captured, the Communications Center should announce via internal intercom, and page as appropriate, an end to the alert. The Platoon Commander will ensure all persons notified of the event are also notified of its resolution.

The Platoon Commander will ensure that reports and any other necessary documentation of the escape or attempted escape are completed. This documentation includes, at a minimum:

(a) Additional charges being filed against those involved in the incident, when applicable;

(b) Use-of-force report, if appropriate;

(c) New, follow-up or additional crime reports; and

(d) A post-incident report including any recommendations regarding operations or policy to reduce the potential for other incidents. The completed report of the assessment shall be submitted to the Superintendent of Police.

900.14 FIRE AND DISASTER RELATED EMERGENCIES

900.14.1 FIRE AND LIFE SAFETY

The temporary detention area shall be equipped with smoke detectors that trigger alarms and with a number of strategically located fire extinguishers. The Juvenile Platoon Commander or the authorized designee should, at the beginning and end of each shift, inspect the facility to ensure:

(a) No flammable materials are stored in the detention area;

(b) Fire extinguishers are serviceable;

(c) Cell keys are available in the Juvenile Platoon Commander's Office for emergency use;

(d) First-aid kits are readily available and stocked; and

(e) Smoke detectors are operational.

The facility shall be inspected annually by the fire department. A written emergency operations plan and a fire hazard inspection checklist, approved by the state fire marshal, shall be implemented and evaluated at least once each calendar quarter.

The Juvenile Platoon Commander should inspect the entire facility at least two times per year, but preferably at least every four months, for security, control, conditions and the overall state of compliance.

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900.14.2 EMERGENCY PROCEDURES

(a) In the event of a fire or other emergency requiring evacuation in the detention area, the employee who discovers it should immediately:

1. Notify the fire department or other appropriate agency, Juvenile Platoon Commander and on-duty patrol personnel simultaneously through the Communications Center;
2. Initiate movement of all detainees to an area of safety through the utilization of the posted evacuation plan; and
3. Begin fire suppression procedures or other emergency mitigation actions, as appropriate.

(b) Responding patrol officers under the direction of the Platoon Commander should be responsible for:

1. The evacuation of detainees;
2. Obtaining medical services as needed;
3. Securing detainees in a temporary holding area;
4. Arranging transportation of detainees to the parish jail or other holding facility as necessary; and
5. Initiating an investigation concerning the origin of the fire or other emergency, along with filing the necessary reports.

900.14.3 EMERGENCY EVACUATION

If an evacuation becomes necessary, the following should be considered:

(a) Safety and security concerns should generally be considered in the following order:

1. Safety of public.
2. Safety of department personnel.
3. Safety of detainees.
4. Security of detainees.

(b) Any person who believes evacuation is necessary should notify the Juvenile Platoon Commander.

(c) The Juvenile Platoon Commander will ensure notification of the appropriate personnel including:

1. All available licensed personnel;
2. Fire department;
3. Emergency medical aid providers; and
4. The Superintendent of Police

900.14.4 EVACUATION PROCESS

When time permits, all detainees will be restrained as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the facility.

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900.14.5 EVACUATION FORMATION AREA

All detainees will form in the designated location where they will be held until the facility can again be safely occupied, or in case of an emergency of a long duration, until they can be transported to another facility.

Female juveniles are to be kept separate from male juveniles.

Only after the safety and security of the detainees is assured will personnel not detailed to detainee security participate in fire suppression or other emergency activities.

900.14.6 CITY-WIDE OR REGIONAL DISASTERS

In cases of City-wide or regional disasters, the Commander of the Juvenile Section, after consultation with the Commander of the Criminal Intelligence Division, may authorize the release of persons detained for misdemeanors or felonies involving property crimes only.

Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.14.7 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION

As necessary, evacuating personnel will apply first-aid techniques to those detainees injured because of the emergency or during the evacuation procedure until professional medical aid arrives to assist.

900.14.8 REPORTS

The Juvenile Platoon Commander will ensure that any emergency evacuation of the facility is documented and that copies of those reports are forwarded to the Superintendent of Police.

900.14.9 EMERGENCY TRAINING

Department personnel should be trained and familiar with:

(a) This policy and any applicable operations and procedure manual; and

(b) The fire safety and evacuation plan, including the use of the fire extinguisher.

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Chapter 10 - Personnel

Recruitment

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to implement a comprehensive recruitment program that successfully attracts and hires a diverse group of highly qualified and ethical individuals to be New Orleans Police Department police officers.

1000.2 RECRUITMENT PROGRAM

NOPD and Civil Service shall work together to ensure the recruit program assesses each applicant in a manner that is valid, reliable, fair, and legal.

The recruitment program will be conducted in a manner that is consistent with CAO Policy Memorandum No. 54(R). The City of New Orleans does not discriminate on the basis of race, color, religion, national origin, gender, age, physical or mental disability, sexual orientation, creed, culture, or ancestry.

The major recruiting activities for all classified City of New Orleans employees are vested with and under the direction of the New Orleans Civil Service Department. However, both the New Orleans Police and the New Orleans Civil Service Departments realize there are many aspects of the recruiting process which require the active involvement of both Departments to achieve the maximum benefit.

1000.3 RECRUITMENT SECTION INVESTIGATOR SELECTION AND TRAINING

The Recruitment and Applicant Investigation Section shall be sufficiently staffed to permit the unit to fulfill its responsibilities as set in NOPD policy and applicable law.

1000.3.1 RECRUITMENT SECTION SELECTION

The Commander of the Recruitment and Applicant Investigation Section will send a Knowledge, Skills and Abilities (KSA)) email to all department members announcing an opening in the Section. The KSA protocol will include specific criteria for assignment of officers to the Recruitment and Applicant Investigation Section, including officers' work history, disciplinary history, length of employment at NOPD and demonstrated commitment to community-oriented policing.

Eligibility for those serving on a recruit applicant interview panel shall include a review of the officer's internal disciplinary file and personnel file.

Interview panelists and all officials who interview potential NOPD recruits shall receive specialized training in the goals of NOPD recruitment and hiring, including emphasis on integrity, community policing, and non-discriminatory policing.

All current and new staff assigned to the Recruitment and Applicant Investigation Section will be trained on recruiting a qualified and diverse workforce, including training on employment law. The training will cover the following topics:

(a) The department's recruitment needs and commitments;

(b) The department's career opportunities, salaries, benefits, and training;

(c) Equal Employment Opportunity and Civil Service compliance guidelines;

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(d) The Community and its needs (including demographic data, community organizations, educational institutions);

(e) Cultural awareness in different ethnic groups;

(f) Techniques of informal record keeping and systems for candidate tracking;

(g) The different components of the screening and selection process (such as background investigation, Computerized Voice Stress Analyzer-CVSA, and psychological tests); and

(h) Hiring criteria which may disqualify candidates.

1000.3.2 NON-JURISDICTIONAL RECRUITMENT

Recruit and lateral job vacancies are advertised through the mass media. The mass media which serves the City of New Orleans also covers many other local communities ensuring a greater section of qualified candidates.

1000.4 JOB ANNOUNCEMENTS

Posting job announcements for sworn entry level positions within the New Orleans Police Department is the responsibility of the City of New Orleans Civil Service Department. Procedures for the creation and posting of these announcements are listed in the City of New Orleans Rules of the Civil Service Commission.

The Director of the New Orleans Civil Service Department shall give public notice of the job announcements and examination dates deemed necessary to secure the needed number of qualified applicants for employment.

The job announcements will include statements on the following items:

(a) Class title for which applications are being solicited;

(b) Pay of the class;

(c) Duties, responsibilities and minimum qualifications requirements of the class;

(d) Identification of the parts of the examination to be used to measure qualification;

(e) Period during which applications will be filed with the New Orleans Civil Service Department.

The Recruitment and Applicant Investigation Section will work with the City and Civil Service to ensure that dates and times of the officer recruit application period and testing are advertised widely.

1000.4.1 MASS MEDIA ADVERTISEMENT

Recruit and lateral job vacancies are advertised through the mass media. Notice of the City's need for applicants will be posted at Civil Service, on the City's website, and published in local newspaper of general circulation.

1000.4.2 EQUAL OPPORTUNITY EMPLOYER ADVERTISEMENTS

All New Orleans Police Department's employment applications and recruitment announcements will contain the phrase Equal Opportunity Employer.

1000.4.3 APPLICATION FILING DEADLINES

If an official application deadline is listed, it will be boldly indicated on all employment announcements and recruitment advertisements.

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1000.4.4 POSTING OF JOB ANNOUNCEMENTS

The New Orleans Police Department will seek recruitment assistance, referrals from community organizations and key leaders. The Department also recognizes the positive value of such information and solicits this input on a continuing basis.

The flow of information may be facilitated by both formal and informal contact with community organizations in which many Departmental personnel are actively involved. The New Orleans Police Department's Office of Media Relations/Public Affairs will maintain a list of all organizations that Departmental personnel are actively involved with, as well as all other organizations which may be able to provide recruitment assistance.

The New Orleans Civil Service Department, working with the New Orleans Police Department, shall make job announcements available for all positions of the New Orleans Police Department to community service organizations.

Community service organizations are in contact with individuals who are likely subjects for recruitment. Additionally, the Department will achieve broader dissemination and greater exposure of recruitment information.

The Recruitment and Applicant Investigation Section shall conduct affirmative outreach to a broad group of community members (e.g., college and university initiatives, military outreach, the Police-Community Advisory Board (PCAB), and community meetings in each district), and shall create and foster relationships with those organizations to enhance recruitment efforts.

1000.5 POTENTIAL APPLICANTS

Once an applicant is identified through job fairs, community meetings, etc., the Recruitment and Applicant Investigation Section will be responsible to ensure that contact is maintained throughout the process. Civil Service will contact the applicants by letter and provide information about the application, test and selection process. Coordination of all applicant contacts will be shared with the City of New Orleans Civil Service Department. Generally the contacts will include the following:

(a) Acknowledged receipt of all employment applications;

(b) Periodically informing applicants of the status of their applications; and

(c) Documentation and logging of all applicant contacts.

1000.6 APPLICATION ERRORS

Applications for positions within the New Orleans Police Department may not be rejected because of omissions or errors that can be corrected or rectified to the Department's satisfaction prior to the testing or interview process.

1000.7 REPORTING REQUIREMENTS

The Recruitment and Applicant Investigation Section will annually report its recruiting activities and outcomes, including the number of applicants, interviewees, and selectees, and the extent to which the Recruitment and Applicant Investigation Section has been able to recruit applicants with needed skills, such as problem-solving abilities or fluency in Spanish or Vietnamese, and a discussion of any challenges to recruiting highly qualified applicants.

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Personnel Hiring Selection

1001.1 PURPOSE AND SCOPE

The purpose of this policy is the development of an efficient, effective, and fair selection process resulting in an appointment of those individuals who possess the knowledge, skills and abilities (KSA) necessary to meet the needs of the New Orleans Police Department.

1001.2 POLICY

All background/applicant investigators shall be sworn officers and shall be given any necessary training to accomplish the objective. This training will be given under the supervision of the Commander of Recruitment and Applicant Investigation Section.

The selection process is a critical step in determining the operational effectiveness of a law enforcement agency. In order to adequately address the professional and legal requirements, a comprehensive set of pre-employment manuals, describing all components of the selection process, including copies of applications, background investigative reports, psychological reports, medical reports, etc. shall be maintained by New Orleans Civil Service Department.

The intent of background investigations are to provide a structured selection procedure for the systematic acquisition, organization, and reporting of background information relevant to an evaluation of a candidate's suitability for law enforcement work, and to provide sufficient information to the police administrator making the employment decision of how the candidate's past conduct relates to the requirements of the job.

Psychological examination's and medical examination's screen out candidates who might not be able to carry out their law enforcement responsibilities or endure the stress of the working conditions.

1001.3 TESTING AND MONITORING ADVERSE IMPACT

The selection process shared by the New Orleans Police Department and the New Orleans Civil Service Department uses only those components that have been documented as having validity, utility and minimum adverse impacts.

(a) The validity of the selection process is determined in one or more of the following ways:

1. Criterion related validation;
2. Construct validation; and
3. Content validation.

(b) As a general policy, content validation is the process utilized by the New Orleans Civil Service Department. The New Orleans Civil Service department conducts validation studies and utilizes results from the test companies (the B-Pad test for Lateral, Police Officer 1 examination; MMPI, CPI- PsyQ).

1001.3.1 MEASURING ADVERSE IMPACT

Adverse impact is defined as a different rate of selection (generally less than 80%) which works to the disadvantage of members of a race, sex, or ethnic group.

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The New Orleans Civil Service Department subscribes to the hiring guidelines established by the Equal Employment Opportunity Commission. By using valid tests, no illegal adverse impact has been nor is expected to be experienced in the selection process.

In the event adverse impact would be noted or alleged through evaluation of past selection processes, it would be measured by comparing the selection rate for members of protected race, sex, and ethnic groups with that of the majority group.

1001.3.2 MONITORING/MINIMIZING ADVERSE IMPACT

Records and data necessary to monitor adverse impact are maintained by the New Orleans Civil Service Department.

1001.3.3 DOCUMENTING WRITTEN TESTS

Written tests used as part of the selection process are documented as having validity and minimal adverse impact.

1001.3.4 REQUIREMENTS FOR VENDORS

It is the policy of the New Orleans Police Department and the New Orleans Civil Service Department that elements of the selection process which are administered or provided by a private sector organization or vendor meet the requirements of validity, utility, and minimum adverse impact.

1001.4 UNIFORM SELECTION PROCESS

The selection process is comprised of many elements. These include written tests, physical agility, background investigations, CVSA (Computerized Voice Stress Analyzer), psychological examination, substance abuse and medical examinations. All elements of the selection process will be administered, scored, evaluated and interpreted in a uniform manner.

1001.5 CANDIDATE INFORMATION

The New Orleans Civil Service Department allows re-application, retesting, and reevaluation of candidates not appointed to probationary status unless the condition(s) which previously eliminated them from appointment is of a nature that another rejection is assured (such as extensive criminal background).

Applicants who are found unsuitable resulting from the psychological examination shall be required to wait one year before they are allowed to retest for the police position.

Applicants who are found unsuitable because they failed portions of the written or medical exam shall be required to wait six months before they may reapply.

At the time of their formal application, candidates will be informed of all elements of the selection process.

The policy stated in this section regarding re-application will be included in the recruitment literature supplied to all applicants.

1001.6 INELIGIBILITY INFORMATION

Candidates not eligible for appointment to probationary status and who do not fall under the provisions of this directive will be informed by the Department of Civil Service, in writing, of such a decision within thirty (30) calendar days.

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Reasons for ineligibility under this section include, but are not limited to, the following:

(a) Expiration of the Civil Service list;

(b) Candidate is not acceptable in one or more areas.

Candidates not appointed to probationary status on the basis of a single test, examination, interview, or investigation will be informed by the Department of Civil Service, in writing, of the specific reason within 30 calendar days.

All candidates who fail the written examination will be notified in writing by the Department of Civil Service.

Candidates who pass the written examination (if applicable) but who are unacceptable in only one area will be notified in writing of their unacceptability. The notification will be the responsibility of the Department of Civil Service.

1001.7 SECURING AND DISPOSING OF SELECTION MARTERIALS AND RECORDS

A record of the results of the psychological examination will be retained indefinitely in the New Orleans Civil Service Department.

The Department of Civil Service may destroy examination papers of an applicant who fails to qualify. As a general rule, all records of candidates not appointed to probationary status will be maintained by the Department of Civil Service for a period of at least three years. It is helpful to preserve selection data to ensure continued research, independent evaluation and defense against law suits.

Selection materials used by either the New Orleans Police Department or the Department of Civil Service will be stored in a secure area when not being used. Access to the materials will be permitted only to those City and Department employees who are involved in administering the selection process.

As a general policy, selection materials will be disposed of by shredding to prevent disclosure of the information they contain. Materials to be destroyed by the Department of Civil Service will be monitored as directed by the New Orleans Civil Service Department Director or designee. Materials to be destroyed by the New Orleans Police Department will be monitored as directed by the Recruitment and Applicant Investigation Section Commander or designee.

The Department of Civil Service and the New Orleans Police Department will comply with all Federal, State and Local requirements regarding the privacy, security and access to information of all candidates' records and data.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth a process for completing performance evaluations for probationary and permanent employees, commissioned and non-commissioned. Supervision, evaluation, and rating of employees shall be the responsibility of the immediate supervisor. This process does not apply to evaluations conducted by Field Training Officers (FTO).

1002.2 POLICY

All employees shall be trained in conducting performance evaluations and the use of the performance evaluation forms upon promotion to the rank of Sergeant, or in the case of civilians, first line supervisor positions. This training shall be conducted by the Department of City Civil Service and organized by the Education and Training Division.

All performance evaluations shall be completed as per the directions found in the Job Counseling and Evaluation Report Rating Manual, which is compiled and maintained by the Department of City Civil Service. The Rating Manual contains measurement definitions and procedures for the use of performance evaluation forms. This manual shall be provided to supervisory employees at the time they are trained in conducting performance evaluations.

NOPD agrees to work with Civil Service to establish a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor that shall include assessment of:

(a) Community engagement and communication with the public as appropriate to assignment.

(b) Use of community-policing and problem-solving strategies as appropriate to assignment.

(c) Civilian commendations and complaints.

(d) Disciplinary actions.

(e) Compliance with policies on usage of sick leave and other leave.

(f) Compliance with policies on secondary employment.

(g) Safety (e.g. POST officer safety standards and vehicle operations).

(h) Training.

(i) Report writing.

(j) Decision-making skills.

1002.3 PROBATIONARY EMPLOYEES

When a probationary Police Officer I (P/O I) is released from the supervision of his/her FTO, it shall be incumbent upon the P/O I's supervisor to continue the evaluation of the officer on a bimonthly basis, using Probationary Evaluation Form 18 until the probationary period is completed.

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Supervisors shall complete NOPD form 18 on all other probationary employees under their supervision at the end of the second, fourth, sixth, eighth, and tenth months of the employee's probationary period.

Employees shall be evaluated in all applicable categories, including recommendations for continued employment, evaluation/counseling, or dismissal.

Employees who are rated **NEEDS IMPROVEMENT** in any category shall be automatically recommended for counseling/evaluation to be conducted by the member's Commanding Officer.

Members may be recommended for counseling/evaluation without being rated **NEEDS IMPROVEMENT** in any category. In those cases, a written explanation shall be provided in the remarks section of the report. Commanding Officers shall prepare a brief report on the counseling session and shall forward a copy to the Human Resource Services.

In all instances where a probationary employee receives performance ratings of **UNSATISFACTORY** or **OUTSTANDING**, a written explanation shall be provided in the remarks section of the report.

In specialized units where there is a designated training officer, it shall be the responsibility of the probationary member's immediate supervisor to confer with the training officer prior to completing NOPD form 18.

Probationary employees shall be informed of the results of their evaluation by the evaluating supervisor. The probationary employee shall be counseled at the conclusion of the rating period by his/her immediate supervisor in, at least, the following areas:

(a) Results of the performance evaluation just completed.

(b) The level of performance expected, rating criteria or goals for the new reporting period.

(c) Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

The probationary member shall then sign the evaluation form. Furthermore, the probationary member shall be given the opportunity to make written comments to supplement the completed probationary evaluation. The evaluating supervisor shall then supply the probationary member with a copy of the probationary evaluation.

Probationary employees who wish to contest a probationary evaluation shall forward an interoffice correspondence (form 105) to their Commanding Officer through their chain of command.

Within five days of the end of the appropriate probationary month, the completed form shall be forwarded to the evaluating supervisor's Commanding Officer, who shall review and sign the report. Within five days of receipt of the form, the Commanding Officer shall forward it to the Human Resource Services.

After completion of the tenth month Evaluation Form, supervisors shall review the total performance of probationary members and complete the 11th Month Probationary Form 17.

Recommendations for demotion or dismissal shall be supported by supplemental correspondence from the member's Commanding Officer, through the chain of command, to the Human Resource Services. Such correspondence shall be submitted no later than 25 days prior to the completion of the member's probationary period.

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The member's Commanding Officer shall submit the pink 11th Month Probationary Form to the Human Resource Services no later than 25 days prior to the completion of the probationary period.

Probationary evaluation forms which are not received by the Human Resource Services within the allotted time period shall be considered delinquent. A list of all delinquent probationary forms shall be sent to the evaluating unit's Bureau Chief on a monthly basis.

The immediate responsibility for identifying, documenting, and reporting unsatisfactory performance on the part of any probationary member exists with his/her immediate supervisor, and, where appropriate, his designated unit training officer.

Commanding Officers may recommend dismissal, or if appropriate, demotion at any time during the probationary period by submitting a review of the member's performance on a supplemental correspondence to the Human Resource Services.

Members who have completed their probationary periods with no **UNSATISFACTORY** ratings or recommendations shall automatically be certified in a permanent status by the Human Resource Services and the Department of City Civil Service.

Copies of the probationary reports shall be maintained in the member's file in the Human Resource Services and his/her unit of assignment. These documents shall be accessible to the member when requested.

1002.4 ANNUAL EVALUATIONS

Performance evaluations shall be completed annually, as per Civil Service Rule XI, Service Ratings.

Annual performance evaluations shall be completed by the employee's immediate supervisor.

Members shall be evaluated in all applicable categories as directed by current Civil Service procedure and as is appropriate to the member's current assignment.

Written notification of unsatisfactory performance shall be provided to the employee as per Civil Service Rule XI, Service Ratings. Non-probationary employees whose performance is deemed unsatisfactory shall be notified in writing of this status at least 90 days prior to the end of the annual rating period.

Whenever a rating of unsatisfactory or outstanding is given, written comments shall be made concerning those ratings in the comments section of the evaluation form.

All performance evaluations shall be signed by the evaluating supervisor in the appropriate space. Each rater's supervisor shall initial the signature of the evaluating supervisor indicating that he/she has reviewed the evaluation. All performance evaluations shall be reviewed and signed by the appointing authority or his/her designee as specified by Civil Service Rule XI, Service Ratings.

All employees shall be informed of the results of their evaluation by the evaluating supervisor. The employee shall be counseled at the conclusion of the rating period by his/her supervisor in, at least, the following areas:

(a) Results of the performance evaluation just completed.

(b) The level of performance expected, rating criteria/goals for the new reporting period.

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(c) Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

Each employee shall sign the performance evaluation in the space provided. Employees shall be given the opportunity to make written comments to supplement the completed evaluation report.

Each employee shall be given a copy of his/her completed annual evaluation after the employee has signed the document.

Appeals of contested evaluations shall be processed as per Civil Service Rule XI, Service Ratings.

Performance evaluations shall be maintained by the Department of City Civil Service as per current Civil Service procedures.

When completing annual performance evaluations on supervisory personnel, their supervisor shall evaluate the quality of that supervisor's rating of other employees. The evaluating supervisor shall complete item #15 on the Annual Performance Evaluation to indicate this rating.

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Promotions and Promotion Committee

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the minimum guidelines for promotion within the Civil Service classification of Police Officer through Police Captain as well as establish responsibilities of the Promotion Committee as it relates to the promotion of commissioned employees within the Civil Service Classification of Police Officer through Police Captain.

1004.2 POLICE OFFICER 1 THRU POLICE OFFICER 4

Through the Department of Civil Service, there have been established four classes of Police Officer within the New Orleans Police Department: Police Officer I, Police Officer II, Police Officer III, and Police Officer IV.

There shall be no supervisory authority among the Police Officer classes. Authority of a Field Training Officer over a trainee shall be set forth by guidelines established within the framework of the Field Training Program.

Prior to an officer being promoted to the higher class, his/her name must be brought before the Promotion Committee for consideration.

Promotions to any Police Officer class shall be made by the appointing authority from a listing of eligible candidates published by the Department of Civil Service. Eligibility for promotion shall not be based on the assignment of the officer seeking promotion.

Qualifications for promotion shall be based on each candidate successfully completing a training program specific to each class of Police Officer. The training programs shall be developed by the Municipal Training Academy. Additionally, the below listed tenure requirements must be met prior to attending a police officer promotional class:

(a) Permanent status as a Police Officer I for eligibility to attend a Police Officer II class;

(b) Permanent status as a Police Officer I or Police Officer II, and four years of combined experience as a Police Recruit, Police Officer I, or Police Officer II, for eligibility as a Police Officer III;

(c) Permanent status as a Police Officer I, Police Officer II, or Police Officer III, and six years of combined experience as a Police Recruit, Police Officer I, Police Officer II, or Police Officer III, for eligibility as a Police Officer IV.

A review of the candidate's disciplinary record, limited to sustained violations of misconduct and any open investigations of complaints of misconduct shall be made by the Promotion Committee. Any open investigations of complaints of misconduct or sustained complaints of misconduct which has resulted in an assessed penalty greater than a Letter of Reprimand, shall be grounds for the denial of the promotion. For purposes of this paragraph, the period under review will be one year immediately preceding the requested promotion. The date used for the complaint incident will be the date the complaint was initiated, not the date of final disposition of the case.

1004.3 PROMOTION COMMITTEE

Composition of the committee will be the Deputy Superintendents or Bureau Commanders.

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The Office of Human Resources Services shall be responsible for scheduling committee meetings, collecting employee recommendation forms, recording the actions of the committee, and notifying the Superintendent and employee of the recommendations made by the committee.

The promotion process will begin with the publishing of the Civil Service register indicating that an officer has met the minimum qualification requirements for promotion.

The Office of Human Resource Services will forward the names of eligible employees to the Public Integrity Bureau. A review of the candidate's disciplinary record, limited to sustained violations of misconduct and any open investigations of complaints of misconduct shall be made by the Promotion Committee. Any open investigations of complaints of misconduct or sustained complaints of misconduct which has resulted in an assessed penalty greater than a Letter of Reprimand, shall be grounds for the denial of the promotion. For purposes of this paragraph, the period under review will be one year immediately preceding the requested promotion. The date used for the complaint incident will be the date the complaint was initiated, not the date of final disposition of the case.

The committee shall meet as often as workload requirements necessitate.

The committee shall have the authority to defer recommendations on an employee for a period not to exceed three months from the original review date.

No promotions are effective until approved by the Superintendent of Police.

1004.4 PROMOTIONAL EXAMINATIONS (POLICE SERGEANT THROUGH AND INCLUDING POLICE CAPTAIN)

The Department of Civil Service shall prepare and administer promotional examinations covering the positions mentioned in the above title. The Department of Civil Service will announce requirements, sign-up periods, study materials, testing date(s), etc.

Employees of the Department of Civil Service, when preparing promotional examinations for the above listed commissioned positions, may contact various ranking officers of the police department to obtain subject matter for inclusion in the test. Additionally, various ranking officers may be contacted and asked to be subject matter experts to either formulate questions for the test, or explain the correct answers for questions included by Department of Civil Service employee.

Employees selected or requested to perform the tasks outlined in the above paragraph shall give their full cooperation to the Civil Service Department, supplying all relevant information requested.

Designated employees assigned to assist the Department of Civil Service in the preparation of, or reviewing of promotional examination material, shall not impart any knowledge of testing material to any other employee of the police department, especially those employees who may be eligible for the promotional examination.

Employees assigned to assist the Department of Civil Service in the preparation of, or reviewing of promotional examination material, shall not be allowed to assist possible applicants in preparing for the examination. This includes, but is not limited to the following:

(a) Holding classes or acting as instructors for possible candidates;

(b) Supplying study material;

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(c) Formulating scenarios, or providing responses to scenarios submitted to them by possible candidates; providing answers to questions posed by possible candidates, whether or not the question provided is part of the examination; and

(d) Suggesting to possible candidates that particular material be studied prior to the examination.

Employees assigned to assist the Department of Civil Service in the preparation of, or reviewing of promotional examination material, who are required to provide written correspondence covering testing material, shall not keep copies of the correspondence filed in any computer hard-drive accessible to other employees of the police department.

1004.5 FACTORS TO CONSIDER FOR PROMOTION

The Promotion Committee will consider the following factors when assessing an officer's promotional eligibility:

(a) Effective use of community-policing strategies;

(b) Number of sustained and un-sustained complaints;

(c) Number and circumstances of uses of force, including any found out of policy and use of force complaints;

(d) Disciplinary history;

(e) Problem-solving skills

(f) Interpersonal skills;

(g) Education; and

(h) Support for departmental integrity measures.

Additional factors may be considered.

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Transfers/Filling Vacancies/Selection Process for Specialized Units

1005.1 PURPOSE AND SCOPE

This policy shall set guidelines for requesting a transfer to another assignment and selection of applicants in a new or vacant position.

1005.1.1 DEFINITIONS

Definitions related to this policy include:

Appointed position - A sworn or civilian position, which may require a specific set of skills, and is not required to be posted. Appointed positions are generally filled by personnel already within the unit/section/division/district/bureau where the position exists.

Specialized unit - A division/unit/section of sworn police officers or civilians directed toward, or concentrating on, a specific service to the public beyond normal patrol activities within the New Orleans Police Department.

Relative - A member of the immediate or extended family related by blood or marriage

Immediate family - Spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law or son-in-law, legal guardians or dependents of the employee; step or half relations shall be given the same consideration as blood relatives of the same type.

Extended family - Aunts, uncles, nieces, nephews and members living in the same household.

KSA - Knowledge, skills and abilities needed for a specific position.

Selection standards - A predetermined set of measures providing a detailed list of objective criteria to be used in the selection process. The standards are defined so an applicant knows what a selection panel may consider in their review of the applicant.

Selection panel - A panel of persons knowledgeable of the duties of the position being filled which will assess performance, work history, and other selection attributes making them the best suited for the position. The panel should consist of a district, division, or section commander, two supervisors (lieutenant or sergeant), and an employee of the same rank and in the same or similar position as the open position. When possible, in the case of a civilian position, the selection panel may consist of civilian or sworn members with similar supervisory authority as those listed above. The highest-ranking person on the panel will be designated as the chairperson of the panel.

Selection Criteria Checklist - NOPD Form 184 used to ensure the selection panel uniformly reviews and assesses a list of selection standards.

Posted Position - An available position within a specialized unit of the New Orleans Police Department subject to the Transfer Selection Process.

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1005.2 GENERAL INFORMATION

Employees detailed from one unit to another are not considered as transferred. Employees of equal rank who desire to swap or trade district patrol assignments may do so without announcing the vacancy and with the approval of all Commanding Officers concerned.

1005.3 APPOINTED POSITIONS

Several positions within the police department are not posted positions, but are appointed positions. However, these positions may be posted to provide a suitable list of interested candidates. Examples of appointed positions include but are not limited to:

- Superintendent's Staff
- Deputy Superintendent
- Deputy Superintendent's Staff
- District Commander
- District Commander's Staff
- Division Commander
- Division Commander's Staff
- District Investigative Unit Supervisory Personnel (Sergeant and/or Lieutenant)
- P.I.B. Command Staff (Captain or Lieutenant)
- Community Affairs Coordinator (Sergeant Position)

1005.4 IMMEDIATE FAMILY

Within the New Orleans Police Department, no employees who are immediate family members should be placed within the same direct line of supervision whereby one employee is responsible for supervising the job performance or work activities of another employee.

For any position within the New Orleans Police Department, whether supervisory or non-supervisory, a Deputy Bureau Chief may make changes in personnel assignments wherein a known relationship exists where there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the work place.

1005.5 TRANSFERS NOTIFICATIONS

The transfer of individuals within the Department shall be directed by the Superintendent. Transfers will be issued as a Personnel Order.

1005.6 VACANCY ANNOUNCEMENTS

Openings in specialized units shall be announced to the entire department by Information Bulletin. Any special requirements shall be included in the announcement. Openings in units, sections or divisions utilizing undercover personnel, or other positions of a sensitive nature need not be announced.

- Units requesting resumes' for vacancies shall utilize the format listed on the New Orleans Police Department Transfer Selection Criteria Checklist Form 184.
- All units shall post announced vacancies from other Units, Sections and Division on their bulletin boards until the last day resumes' are accepted

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1005.7 TRANSFER REQUESTS

Any individual desiring a transfer shall complete the New Orleans Police Department 14-R Transfer Request form, which can be found at http://www.nopd.org in the Forms folder, forwarding same as indicated on the bottom of the form under distribution.

Individuals desiring a transfer shall be notified as soon as possible after the transfer is approved/disapproved by the employee's commanding officer.

No employee of the Department shall be transferred without prior notification of the individual's Unit Commander.

Employees shall not be penalized or harassed because of the employee's desire to be transferred and/or applying for an announced vacancy within the Department.

1005.8 EMPLOYEE FILES

When an employee is transferred, the employee's personnel records shall be updated by his/her previous Commanding Officer and forwarded to the employee's new Commander.

- A copy of the signed Transfer Request Form 14-R shall be forwarded to the Personnel Division for each employee being transferred, along with the list of all transfers.

1005.9 NEW GRADUATES

New graduates from the academy (Police Officer 1) shall serve two years in a police district, and successfully complete their FTO program, before becoming eligible to transfer to a support or specialized unit.

1005.10 TRANSFER SELECTION PROCESS FOR SPECIALIZED UNITS

The purpose of the selection process is to promote the fair and equitable selection of applicants for positions within the police department. It will provide applicants with a defined set of standards so an applicant can prepare himself/herself to be qualified for a preferred position. This will assist the department in filling positions with the most qualified person. It also allows an applicant who fails to meet criteria set forth in selection standards, to improve his/her performance/behavior so he/she might be better qualified or future openings by better understanding what KSAs are required for the position.

The selection process will provide management with the tools necessary to make informed decisions when selecting personnel for positions within the police department. This is accomplished by providing measurable selection standards upon which to make those decisions.

The selection standards shall remain consistent with functional job descriptions, and will only be modified if knowledge, skills and abilities (KSAs) for a given position change so significantly that it no longer reflects the requirements of the position. Selection standards for all positions will be maintained in the Personnel Division, and will be listed on each posting.

1005.10.1 SWORN POSITIONS - OTHER THAN PATROL OR APPOINTED

For sworn positions other than patrol or appointed positions, the applicant shall have been:

- Employed as a New Orleans Police Officer I for a minimum of three years of uninterrupted service immediately preceding the date of the application for transfer.
- Applicants for supervisory positions will have served in the same rank of the position for a minimum of one year with a minimum of three years of uninterrupted service

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immediately preceding the date of the application for transfer. An applicant may be excluded from this requirement if he/she possesses specialized knowledge and/or experience necessary for the position, and there is no other applicant with the minimum service requirement (e.g., rescue diver).

1005.10.2 DETECTIVE POSITIONS

All detective openings throughout the Department in Districts and specialized units shall be posted and require applicants to have appropriate experience, submit writing samples, supervisor recommendations, and incorporate an interview process The commander of the unit posting the announcement shall determine the level of appropriate experience.

1005.10.3 ACADEMY / INSTRUCTOR SELECTION

Knowledge, Skills, and Ability Protocols shall be established for all staff assigned to the training division and all adjunct instructors within NOPD. Minimum qualification requirements for Academy staff shall include:

- Baccalaureate Degree or exceptional practical law-enforcement or subject matter expertise with at least six years of combined NOPD service;
- Successful completion of the FBI Instructor Development Course; and
- No sustained' PIB investigations within 24 months of applying for an Academy position or a pending open' investigation at time of application.

1005.10.4 PUBLIC INTEGRITY BUREAU SELECTION

A civilian shall serve as the Public Integrity Bureau Commander.

Officers with a sustained complaint of, or who have been disciplined for, excessive use of force, false arrest, unlawful search or seizure, sexual harassment, discrimination, or dishonesty shall be presumptively ineligible for assignment to PIB.

1005.11 EMPLOYEES REQUIREMENTS

Employees requesting transfers shall have completed their most current probationary period and/or work test period. Specifically for the provisions of this policy, time spent by the employee for military service would be counted as uninterrupted service.

- For civilian non-supervisory positions, the applicant shall have completed their most current probationary period and/or work test period. Applicants for civilian supervisory positions will have served in the same classification of the position for a minimum of (1) one year immediately preceding the date of the application. An applicant may be excluded from this requirement if he/she possesses specialized knowledge and/or experience necessary for the position, and there is no other applicant with the minimum service requirement (e.g., Police Crisis Counselor, Research Analyst, and Rescue Diver).
- For civilian non-supervisory positions, the applicant shall have completed their most current probationary period and/or work test period. Applicants for civilian supervisory positions will have served in the same classification of the position for a minimum of (1) one year immediately preceding the date of the application. An applicant may be excluded from this requirement if he/she possesses specialized knowledge and/or experience necessary for the position, and there is no other applicant with the minimum service requirement (e.g., Police Crisis Counselor, Research Analyst, and Rescue

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The employee may be selected for any of the positions and the selection for any position will not be deferred pending the completion of the selection process of any other position. When an employee is transferred to another area within the police department through a request he/she has submitted, the employee will not be eligible to request another transfer for a minimum of one year from the effective date of the transfer, unless the posting specifically states a greater minimum time requirement for that position.

If an employee is assigned to a position for which they did not apply or the position was not posted, then the one-year period to apply for another posted position is not applicable. Applicants required to complete training and/or certification after selection shall do so within a reasonable time to be determined by the Division Commander. Failure to do so may result in a transfer.

In addition, administrative changes may be made to ensure the safety of the employee or the public. However, not withstanding this policy or any other departmental procedure to the contrary and consistent with Civil Service, the Superintendent of Police or his/her designee establishes the transfer process set forth in this policy.

1005.12 FILLING SPECIAL WEAPONS AND TACTICS (SWAT) VACANCIES

No NOPD personnel shall serve on the SWAT Team for more than five consecutive years (or three consecutive years from the Effective Date, whichever is later), unless they provide a specialized-service function (e.g., negotiator, bomb technician). After this period of service, all personnel shall be reassigned for a period of three years before they may return to SWAT.

1005.13 FEDERAL/STATE TASK FORCES

The New Orleans Police Department participates in several Federal/State task forces by providing NOPD personnel to work on assignment to selected federal agencies by agreement with the federal agency assisted. The department is committed to these collaborations. They assist the department in achieving its goals by improving communications and information sharing among federal, state, and local agencies; allowing for the greater leveraging of limited resources; and serving as excellent training grounds for department participants.

Because of the excellent training, experience, and education provided to participants in these task forces, it shall be the policy of the NOPD to rotate the personnel participating in them. Assignments to serve in a task force position will be for a time period not to exceed 48 months. By rotating personnel on a regular basis, the opportunity to serve on a task force is provided to a greater number of NOPD personnel. Those personnel can come back to the department and share their knowledge, skills and abilities improving the effectiveness and knowledge base of the department.

At the same time, the rotation schedule shall provide sufficient length of service on a task force so participants are able to become proficient in their duties and provide an effective, efficient, and consistent level of service to the task force to which they are assigned. Federal/State Task Force assignments are posted positions.

Selection criteria for these positions will be listed on each position posting and maintained in the Personnel Division. Selection panels for Task Force positions shall also include a representative from the agency overseeing the Task Force wherein the position exists.

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1005.14 SELECTION PANEL RESPONSIBILITIES

It shall be the responsibility of the selection panel to perform the following tasks under the direction of the bureau/division commander or civilian equivalent wherein the position exists:

(a) Develop any oral or written tests, scenarios for presentation, or role playing involved in the selection process

(b) Conduct a review of criteria established in the selection standards, complete NOPD Form 184, and conduct any testing required for the position.

The selection panel shall be responsible for establishing the weight used for scoring each selection criteria for a given position. (Example: Written Exam 50%, Oral Interview 20%, Criteria Checklist 30%).

- Weights assigned to each selection criteria will be announced in advance of any interview or examination.
- The weights for the selection criteria may vary for different positions within the department; however, weights established for a specific position will remain constant for each applicant.
- Specific guidelines for completing the NOPD Form 184, Selection Criteria Checklist are outlined in the procedure portion of this policy (PR1005).

The chairperson shall document and maintain the interview, and/or examination material for each applicant for 30 days. After the 30 day time frame, all documents will be destroyed and will not be available for review.

Within 30 days of the eligibility list being received by the Personnel Division, applicants will be given the opportunity to review the panel's results and the scores used in making the selection. An applicant who is not selected may also review the results and scores of the applicants that were selected for the position. The applicant should contact the member of the panel designated as the chairperson to obtain an appointment to review the results and criteria of the applicants selected for the position. This is allowed so a comparison can be made to ensure fairness and so the applicant can see what is expected in future position openings. The Superintendent of Police or his/her designee will make all final determinations of any recommended modifications.

1005.15 PERSONNEL SECTION RESPONSIBILITIES

The Personnel Section will ensure selection standards for a specific position are listed on all position postings. It will be posted via an NOPDALL e-mail.

- The duration of postings is 14 calendar days, unless otherwise shortened, with all eligible parties notified.
- Generally, the lifespan of an eligibility list will be four calendar months.
- An eligibility list may be rescinded with the approval of the Superintendent of Police.
- An eligibility list may be extended with the approval of the Superintendent of Police.

A representative from the Personnel Section may sit as an observer during applicant interviews to ensure interviews are conducted in a uniform, fair, and impartial manner.

The Personnel Section will maintain a current list of KSAs for all positions within the police department. Should changes become necessary for a KSA, the commander of the division in which the position is located will be informed. The commander will then cause changes to the selection standards to be made as necessary.

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All unit/section/division/district/bureau commanders will be required to ensure selection standards for positions within their assignment are current and representative of the requirements for the position posted. It is in no way implied a particular position is a permanent position.

The Superintendent of Police or his/her designee, expressly reserves the authority to create, delete, or temporarily leave vacant any position or assignment as the needs of the department dictates. Likewise, a particular position, which has become open, may remain vacant for any period of time deemed necessary.

1005.16 NOTIFICATION OF TRANSFER

Generally, all personnel being transferred, whether at their own request or involuntarily, should be notified of the transfer at least five calendar days prior to the transfer becoming effective. This notification will be made in writing to the employee when possible. Though such notification is the preferred procedure, the Superintendent of Police or his/her designee shall reserve the right to make transfers without such notification when required for the good of the department, or with consent of the affected employee(s).

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Grievances: Employee Non-Discriminatory Complaints

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1006.1.1 DEFINITIONS

Definitions related to this policy include:

Formal Grievance - A written grievance submitted on a City of New Orleans Employee Grievance Form.

Grievance - Any difference of opinion concerning terms or conditions of employment or a dispute involving the interpretation or application of any of the following documents by the persons aggrieved:

- This Policy Manual
- City rules and regulations covering personnel practices or working conditions, (C.A.O. Policy Memorandum No. 4), which can be located at http://www.nopd.org under the Forms folder.

Informal Grievance - A verbal grievance submitted to a supervisor.

1006.2 POLICY

It is the policy of this department to resolve all employee grievances promptly and in a fair and consistent manner without discrimination or retaliation. The Department encourages effective communication between employees and supervisors.

1006.3 PROCEDURE

Whenever possible, the grievance process shall be conducted during normal working hours without loss of pay.

The timely reporting of grievances will assist in conducting reviews and arriving at the correct disposition for each situation. In accordance with C.A.O. Policy Memorandum No. 4, a complaining member must present their grievance to a supervisor within five days of the act giving rise to the grievance. If the aggrieved member has a grievance against their immediate supervisor then the aggrieved member shall go to the next available supervisor within the chain of command regardless of whether the grievance is verbal or written.

At the time the grievance is submitted, the member may request that the grievance be handled in a confidential manner. Information concerning confidential grievances shall not be discussed or disseminated to other members except as required by this regulation.

1006.4 AGGRIEVED MEMBERS RESPONSIBILITY

The employee submitting a grievance shall decide if they are submitting an informal (verbal) or a formal (written) grievance.

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When submitting an informal grievance, the member shall discuss the situation with their supervisor and provide all available information they deem necessary during the discussion.

When submitting a formal grievance, the member shall complete a City of New Orleans Employee Grievance Form, which can be located at http://www.nopd.org under the Forms folder. The member shall include all pertinent information such as times and dates of incidents, names of principals and/or witnesses, and all facts and circumstances surrounding the incident or situation that caused the grievance. If necessary, additional narrative sheets should be attached to fully explain the cause of grievance or requested remedy.

Once the complaining member receives a reply from their supervisor, that member must advise the supervisor if they are satisfied with the reply or if they would like to appeal the decision.

If the complaining member elects to appeal the supervisor's decision, they must complete the Appeal to Appointing Authority page of the City of New Orleans Employee Grievance Form. The appeal form shall be submitted to the supervisor who shall be responsible for forwarding the appeal through the chain of command.

1006.5 SUPERVISOR'S RESPONSIBILITY

Any supervisor approached by a member wishing to file an informal grievance shall discuss the grievance with the member and determine if the cause of the grievance is within the authority of the supervisor to rectify.

The supervisor shall verify whether the employee has elected to submit an informal or formal grievance. The supervisor shall be responsible for explaining to the complaining member the process that will be followed in processing their grievance.

The supervisor shall determine whether the complaining member wants the grievance handled in a confidential manner. If the member wishes the grievance to be handled in a confidential manner, the supervisor shall discuss the incident or situation only with their commander and those persons necessary to rectify the cause of grievance.

In the case of informal grievances, the supervisor shall advise the complaining member if it is within the supervisor's authority to rectify the grievance. If the situation is within the supervisor's authority, the supervisor shall advise the complaining member of their decision and reply to the grievance. The information on this decision shall be given to the complaining member within twenty-four hours after the grievance was presented to the supervisor.

In cases where the informal grievance is within the authority of the supervisor to rectify, and the complaining member is satisfied with the response, or the complaining member elects not to appeal the decision, the supervisor shall complete a Form 105" to his district/division commander. The 105" should explain in detail the grievance that was presented and the actions taken. A copy of the 105" shall be forwarded to the Employee Relations Division for filing. If the complaining member wished the grievance to be handled as a confidential matter, that information shall be included in the memo.

If the cause of an informal grievance is not within the authority of the supervisor to rectify, the supervisor shall make that fact known to the complaining member. The complaining member shall be advised of the appropriate supervisor in the chain of command to whom the grievance must be presented.

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In the case of formal grievances, within twenty-four hours of receiving the grievance, the supervisor shall complete the Supervisor to Employee portion of the Employee Grievance Form and return it to the employee.

(a) The supervisor shall meet with the complaining member and determine whether the member is satisfied with the response to the formal grievance or would like to appeal the decision. If the member wants to appeal the decision, they shall be advised to complete and submit the Appeal to Appointing Authority.

(b) If the complaining member is satisfied or decides not to appeal decision, the supervisor shall prepare a memo outlining that decision. The supervisor shall forward copies of the memo and Employee Grievance Form to the Superintendent of Police or his/her designated representative, the Employee Relations Division and the Chief Administrative Office within three working days.

If the complaining member elects to appeal the supervisor's decision, the supervisor shall obtain the completed Appeal to Appointing Authority and within three days forward that appeal through the chain of command. Copies shall be sent to the Superintendent oif Police or his/her designee, the CAO and the Employee Relations Division. If necessary, the supervisor shall attach a memo providing additional information on the grievance situation and facts leading to the supervisor's initial response.

1006.6 EMPLOYEE REPRESENTATION

Aggrieved employees shall have the right to choose an individual to represent them or be present during any course of the grievance procedure.

1006.7 SUPERINTENDENT OF POLICE OR HIS/HER DESIGNATED REPRESENTATIVE

The Superintendent of Police or his/her designated representative shall be responsible for responding to appeals in the grievance process within three days of receiving notice of the appeal.

The Superintendent of Police or his/her designated representative shall meet with the employee and attempt a settlement. If no agreement is reached within three days after the grievance was received by the Superintendent of Police or his/her designated representative, the grievance shall be referred to the Chief Administrative Officer or his representative for final settlement.

1006.8 PUNITIVE ACTIONS

At no time will punitive or retaliatory action be taken against an employee for exercising his/her rights during, after or in relation to the grievance procedure.

1006.9 EMPLOYEE RELATIONS DIVISION

The Employee Relations Unit shall be responsible for the coordination of grievances and the maintenance of files on grievances submitted by complaining members. All grievance records shall be considered confidential. Copies of grievance records shall not be released without the written permission of the Deputy Superintendent in command of its operation.

The commander of the Employee Relations Division shall forward an analysis of grievances to his/her Deputy Superintendent quarterly for review. The Deputy Superintendent shall report to the Superintendent of Police those areas of concern which are reoccurring or are outside of his/her command and need to be addressed. The Employee Relations Division shall also distribute the analysis to all effected bureaus.

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Grievance: Employee Discrimination Complaints

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the administration of an employee discrimination complaint. The objective of this process is to resolve complaints informally, whenever possible, with fairness, justice, in an orderly, timely fashion, and to provide for an avenue of formal resolution through the administrative avenues within the municipal system. All complaints must be on the basis of alleged discrimination against an individual because of race, color, national origin, religion, age, physical or mental disability, gender, sexual orientation, gender identity, creed, culture, or ancestry. This procedure shall only be used for the processing of discrimination complaints. However the Civil Service Commission and the Federal Equal Employment Opportunity Commission and/or other such agencies are, or may be at the employee's disposal for filing complaints of discrimination in addition to this policy.

1007.2 GENERAL

The following is a step-by-step outline of the actions to be taken under this policy. There are two major functional components of the complaint process. They are the informal and the formal actions. An employee is advised, but is not mandated, to proceed to the formal action process of this policy only if the matter in question is not satisfactorily resolved within the prescribed time limits of the informal process.

1007.3 INFORMAL COMPLAINT PROCESS

The individual must take the complaint to the Department's Employee Relations Manager (through the Personnel Division) within five working days of the date the alleged discriminatory act took place, or, if a disciplinary action, within five days of the effective date of action.

The Employee Relations Manager must attempt to resolve the complaint within ten working days after the initial interview with the complainant. The Employee Relations Manager must seek to resolve the complaint at the lowest administrative level possible.

The Employee Relations Manager shall present the grievance orally to the complainant's immediate supervisor within five days of the original complaint. The Employee Relations Manager shall keep a record of the activities conducted on the complaint.

The Employee Relations Manager shall advise the aggrieved, in writing, of the right to indicate formal action if the matter is not satisfactorily resolved within the fifteen day limit.

1007.4 FORMAL ACTION PROCEDURE

The grievance shall be reduced to a written statement on a CAO Form No. 1, located at http://www.nopd.org under the Forms folder. CAO Form No.1 shall be presented to the employee's Employee Relations Manager within five days subsequent to the decision which the employee deemed unsatisfactory.

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The Employee Relations Manager shall forward the written complaint to the appointing authority and his/her designated representative within three working days with a copy to the Chief Administrative Officer (CAO), Employee and Labor Relations Division.

The grievance shall then be reviewed among the employee's Employee Relations Manager, and/or the employee, the appointing authority and the CAO's Equal Employment Opportunity (EEO) Officer or his/her designee.

If no agreement is reached at the aforementioned level within seven days after the initiation of the written complaint, then the CAO's EEO Officer shall make his/her final recommendation to the CAO.

The CAO shall render a final decision based upon the facts presented on CAO Form No. 1 and the recommendations of the EEO Officer or his/her designee.

Appointing authorities are requested to make every effort possible to arrive at a solution when a grievance is received in oral form by the first line supervisor rather than resorting to the formal written process outlined in this policy.

Copies of all reports relative to discrimination complaints shall be forwarded to the Employee Relations Section. The Employee Relations Section shall submit a quarterly report to the Superintendent of Police, through the chain of command, outlining the nature of the complaint, action taken, and disposition of the complaint.

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Superintendent of Police through their chain of command of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC § 921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Because such offenses may include any conviction involving the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, former spouse, cohabitant, former cohabitant, or parent of a child of the person), employees shall promptly report any and all convictions of such nature.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to protection orders (18 USC § 922(d)(8)).

1010.3 CRIMINAL CONDUCT

The Department shall immediately report any conviction of an officer to Louisiana POST. A person convicted of certain felonies is prohibited from being a peace officer in the State of Louisiana.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.3.1 COURT ORDERS

All employees shall promptly notify the Superintendent of Police, through their chain of command if they are part of any criminal or civil court order, including foreign court orders. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate.

1010.4 REPORTING PROCEDURE

All employees, reserve officers and all retired officers who have been issued a New Orleans Police Department police identification card shall immediately notify the Superintendent of Police in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All employees, reserve officers and all retired officers who have been issued a New Orleans Police Department police identification card shall immediately notify their immediate supervisor or the Superintendent of Police in the case of retired officers, in writing, if the employee becomes the subject of a court protective or restraining order.

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Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. This determination shall be made by the Superintendent of Police.

Any employee failing to provide immediate written notice pursuant to this policy shall be subject to discipline and/or revocation of retired identification.

1010.4.1 REPORTING PROCEDURE FOR DEPARTMENT ARREST OF DEPARTMENT PERSONNEL

The Public Integrity Bureau Commander shall be notified of the pending arrest of any employee of the Department.

If circumstances require an employee to be immediately arrested, the arresting officer shall notify the Public Integrity Bureau Commander immediately after the arrest. The Public Integrity Bureau Commander shall insure the Superintendent and the employee's Bureau or Office Commander is notified. The Public Integrity Bureau Commander shall also immediately notify the DA and/or USAO.

1010.5 PROCEDURE FOR RELIEF

An officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such judicial relief and the granting of a state court petition will not relieve one of the restrictions imposed by federal law.

Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on his/her own time and through his/her own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. Upon instructions by the Superintendent of Police, the Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Counseling / Supervisory Referrals / Evaluations

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for the Voluntary Personal Counseling Program, Supervisory Referrals and Psychological Evaluations.

1011.2 VOLUNTARY PERSONAL COUNSELING (EXPANDING HEALTH AND WELLNESS PROGRAM) GENERAL

The Voluntary Personal Counseling Program provides stress management counseling and individual, couple, or family counseling to employees of the Department. Counseling, which is provided by an independent medical provider, is intended to alleviate stress. In addition, counseling develops strategies to solve personal problems which interfere with the employee's satisfactory adjustment and functioning.

The Voluntary Personal Counseling Program is completely independent and distinct from Supervisory Referrals and Psychological Evaluations.

The Expanded Health and Wellness Program is currently administered by Tulane University Hospital. It offers a wide variety of services to police officers and civilian personnel, including but not limited to the following: sick call, physical examinations, injury rehabilitation, employee assistance program (EAP), Fitness Center, Hepatitis and Flu vaccinations, etc. Employees shall contact the Tulane University Hospital and Clinic for more information.

1011.3 ELIGIBILITY

Civilian, reserve, and commissioned employees are instructed to contact the medical provider to determine eligibility for themselves and family members.

If there is a high demand for services, priority will be given to commissioned employees; eligible persons will be put on a waiting list or referred to another outside agency.

1011.4 SICK CALL

Sick Call is offered on every Monday, Wednesday and Friday from 10:00AM to 12:00 noon. No appointments are required during these times. Outside of the aforementioned hours, the employee should contact the Tulane Centers for Occupational Health located 1415 Tulane Ave. Some services are provided by appointment only. Check with the medical provider for details.

1011.5 ATTENDANCE

Employees shall not attend counseling sessions or receive other medical attention while on duty. Approved furlough or sick time may be used.

1011.6 VOLUNTARY PERSONAL COUNSELING CONFIDENTIALITY

The content of voluntary counseling sessions shall be confidential. An employee shall have voluntarily signed a written release form before any information is released to any party, with the following exceptions:

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(a) **Child abuse:** The Police Psychologist is required by law to report cases of suspected child abuse. The Police Psychologist shall report child abuse to the Child Abuse Section; however, he/she may allow the employee to report the incident first to the Child Abuse Unit.

(b) **Danger to self:** The Police Psychologist shall report to the Superintendent of Police serious suicidal threats or emotional disturbances which place the employee at risk. The Police Psychologist may order the employee's involuntary psychiatric hospitalization; however he/she will give the employee the opportunity to voluntarily enter the hospital before involuntary hospitalization procedures are initiated.

(c) **Danger to others:** The Police Psychologist shall report to the Superintendent of Police serious homicidal threats or emotional disturbances which endanger others, and recommend a suspension of the employee's commission until the danger no longer exist. The Police Psychologist will warn any intended victims of the threat to their safety. The Police Psychologist may order the employee's involuntary psychiatric hospitalization; however he/she will give the employee the opportunity to voluntarily enter the hospital before involuntary hospitalization procedures are initiated.

(d) **Unfit for duty:** If the Police Psychologist confirms the employee is unable to perform his/her duties, he/she will recommend to the Superintendent that the employee by placed on sick leave or Administrative Reassignment until cleared for return to duty. The employee may be referred to other medical professionals for a second opinion or treatment. Return to duty in these cases may depend partly on the opinion of the treating physician.

Nothing in this procedure shall be construed as relieving supervisors from taking disciplinary action when necessary. The Voluntary Personal Counseling Program and the Supervisory Referral process is not a substitute for disciplinary action necessitated by an employee's behavior.

1011.7 SUPERVISORY REFERRALS

Supervisory referrals are not disciplinary actions. They are intended to assist employees in identifying causes of duty related performance problems, to develop more effective coping strategies, and to solve problems which lead to performance deficiencies. Such referrals provide an opportunity for the employee to work with the Police Psychologist, or other designated medical care provider, to overcome problems which affect job performance.

An employee may reject a supervisory referral.

Supervisory referrals are independent and distinct from both the Voluntary Counseling Program and the Psychological Evaluation procedure.

If the employee's immediate supervisor believes the employee's performance deficiencies may be caused by emotional or stress related problems, the supervisor shall verbally counsel the employee.

The supervisor shall meet with the employee, specify behavioral or performance areas which need improvement, and establish a time period for improvement.

If the supervisor's verbal counseling does not resolve the performance deficiency, the procedure for initiating a supervisory referral is as follows:

(a) The supervisor shall notify his Division level Commander through the chain of command.

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(b) If the Division level Commander agrees that the employee should be referred to the Police Psychologist, or other medical provider, the Division level Commander shall contact the provider and describe the employee's behavior which is causing the performance deficiencies.

(c) The medical provider will decide whether there is a need for a supervisory referral.

(d) If the Police Psychologist or medical provider concur that a supervisory referral may help the employee, the employee's supervisor shall meet with the employee and request the employee meet with the Police Psychologist to assist the employee in overcoming the current problems.

(e) If the employee accepts the referral, the supervisor shall notify the Police Psychologist or medical provider, who will schedule an appointment for the employee within five working days, if possible.

(f) The supervisor shall send the medical provider a written report describing the employee's behavioral problems, and any prior history of disciplinary problems. A copy of all correspondence shall be forwarded to the employee's Bureau Commander.

(g) The Division level Commander shall notify the appropriate Bureau Commander of the status of all supervisory referrals.

An employee who feels he/she is being referred to the Police Psychologist or medical provider unjustifiably may appeal the referral to his/her Bureau Commander.

1011.8 SUPERVISORY REFERRAL CONFIDENTIALITY

The knowledge of an employee's participation in the supervisory referral process shall be limited to those employees who are directly involved in the referral process

The contents of sessions with the medical provider resulting from a supervisory referral shall be confidential. An employee shall have voluntarily signed a written release form before any information is released to any party with the following exceptions:

(a) Child Abuse

(b) Danger to Self

(c) Danger to Others

(d) Unfit for Duty

Nothing in this procedure shall be construed as relieving supervisors from taking disciplinary action when necessary. The supervisory referral process is not a substitute for disciplinary action necessitated by an employee's behavior.

1011.9 PSYCHOLOGICAL EVALUATIONS

The dual purpose of the psychological evaluation is to assist the employee and to provide a safeguard for the Department and the public. This process is completely independent from the Voluntary Personal Counseling Program and Supervisory Referral.

Employees shall be referred for a psychological evaluation when there is reason to believe:

- The employee exhibits violent behavior, including, but not limited to, spousal or child abuse, or repeated use of excessive force;
- The employee is abusing alcohol, prescription or non-prescription drugs, or intoxicating substances; or
- The employee's performance or behavior raises serious questions concerning the employee's emotional stability or ability to perform police work.

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Any commissioned or non-commissioned employee who observes another employee display one of the behaviors listed above shall report the behavior directly to the observed employee's Division level Commander. The Division level Commander shall investigate the allegation and prepare a confidential white paper report to the Commander of the respective Bureau.

The white paper report shall:

- Contain the results of the Division level Commander's confidential investigation into the allegation.
- Omit the name of the person who was the source of the information. However, the identity of the individual who is the source of the information shall be retained in the file kept by the commanding officer, should such information be needed at a later date for disciplinary and/or criminal investigations.
- Recommend if the employee is a candidate for a psychological evaluation.

Upon receipt of the white paper report, the Bureau Commander shall approve or disapprove the recommendation for a psychological evaluation. The Bureau Commander shall then forward this report to the Superintendent of Police. If the matter involves the disciplinary process or the reassignment of the employee, the Bureau Commander shall also forward a copy of the report to the Public Integrity Bureau.

Upon approving the recommendation, the Superintendent, or his/her designee, shall immediately notify the employee, in person and in writing that he/she is being ordered to submit to a psychological evaluation within 72 hours. The Superintendent, or his/her designee, shall notify the Police Psychologist, or other medical provider, of the employee being ordered to report for the evaluation.

The employee's attendance and full cooperation in the psychological evaluation shall be mandatory.

The Superintendent of Police, not the Police Psychologist or medical provider, will determine the administrative consequences for an employee who refuses to participate in the psychological evaluation.

Employees who are ordered to be evaluated shall be scheduled for the evaluation during their regular working hours when possible.

The psychological evaluation shall be conducted as soon as possible by the Police Psychologist or, at the discretion of the Police Psychologist, by an independent psychologist, psychiatrist, neurologist or other medical provider.

The psychological evaluation shall consist of interviews and or psychological tests, as determined by the Police Psychologist or medical provider.

The Police Psychologist and/or medical provider shall discuss the evaluation results with the employee.

Based upon the results of the evaluation, the Police Psychologist or medical provider shall recommend to the Superintendent of Police:

- Whether or not medical and/or psychological treatment is required;
- The appropriate treatment needed; and
- Whether or not the employee should be decommissioned.

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Treatment may be an option for alcoholism or dependency upon legally prescribed drugs. In accordance with CAO Policy Memorandum No. 89, it shall not be an option for commissioned personnel of the Police Department who use or abuse illegal, designer, and/or synthetic drugs.

Recommended treatment will be of the following categories:

(a) Inpatient chemical dependency treatment at a center certified by the Joint Commission of Accreditation for Hospitals;

(b) Inpatient psychiatric treatment at a hospital certified by the Joint Commission of Accreditation for Hospitals;

(c) Outpatient psychiatric treatment by a licensed psychiatrist in the State of Louisiana; or

(d) Outpatient treatment by a licensed mental health professional in the State of Louisiana.

On the Superintendent's receipt and acceptance of a recommendation for the employee's treatment, the employee will be instructed to report immediately to the Office of the Superintendent. The Superintendent, or his/her designee, shall inform the employee, in writing, of the Psychologist's evaluation and recommendation.

The employee will then have seventy-two hours in which to enroll in the appropriate treatment program.

The employee shall be responsible for all expenses over and above any covered expenses by the City's Hospitalization Plan.

The employee shall be relieved of duty upon receipt of the written notification of treatment order. The employee may also be decommissioned. Employees will be carried sick, furlough, or leave without pay during treatment.

The employee may be restored to duty when the Superintendent receives written notification from the Police Psychologist or medical provider that the employee has enrolled in treatment and is able to return to duty.

Any employee failing to obtain treatment as ordered within the specified time will be decommissioned and will face other administrative consequences.

The Department is a client during a psychological evaluation. A consent form shall advise the employee in writing that anything said in the interviews, as well as any test results or treatment, will be included in the evaluation report to the Superintendent. The evaluation results will remain in the possession of the Superintendent and the Police Psychologist, but will not become a part of the employee's personnel record.

In cases where the employee has been referred to another outside professional or treatment center, the Police Psychologist shall monitor the progress of the employee and report his/her findings to the Superintendent of Police as outlined above.

In cases where an employee is allowed to continue working while under treatment, the Superintendent of Police shall inform the employee's Bureau Commander as to the progress of the employee under treatment.

The Bureau Commander shall keep the employee's Division level Commander notified as to the progress of the employee as it relates to his/her fitness for duty. The dissemination

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of personal and confidential information, relative to an employee's treatment, shall include only those matters deemed necessary for proper supervision and monitoring.

Nothing in this procedure shall be construed as relieving supervisors from taking disciplinary action when necessary.

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Alcohol and Drug Use/Testing

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances by employees that create a threat to the safety and health of any employee or member of the public. The New Orleans Police Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

Chief Administrative Office (CAO) Policy Memorandum #89 and Rule V Section 9 of the Civil Service Rules for the City of New Orleans establish a Substance Abuse Testing Program for all City employees.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Category I Testing - For positions that require carrying of a firearm and continuing certification in its proper use. (security sensitive position).

Category II Testing - For positions where the safety of the public, co-workers and the individual employee are at risk. (safety sensitive position).

Category III Testing - For reasonable suspicion to believe that the employee's fitness for duty is questionable.

1012.2 POLICY

The consumption of alcohol or other intoxicants while on duty is generally prohibited except as necessary in the performance of an official special assignment and only after approval by a supervisor. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Personnel who consume alcohol as part of a special assignment shall not operate a vehicle after the consumption of any alcohol.

Employees who have consumed any amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their normal sensory and/or motor body functions are prohibited from reporting for duty. The affected employee shall notify the Platoon Commander or Field Supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work or while on-duty except when required in the performance of their duties or a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

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1012.2.2 USE OF PRESCRIBED MEDICATIONS

Department employees shall not take any of the narcotic drugs defined in Louisiana Revised Statute 40, Articles 964 and 966, unless prescribed for them by a licensed medical practitioner.

Department employees who are medically required to take prescription medication during work hours shall not allow such medication to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor in writing.

No employee shall be permitted to work on or drive a vehicle owned or leased by the Department while taking such potentially impairing medication without a written release from his/her physician.

1012.3 EMPLOYEE ASSISTANCE PROGRAM

There are voluntary Employee Assistance or Personal Counseling Programs to assist employees who wish to seek help for alcohol and drug problems. Employees may contact the Personnel Department, their insurance provider or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through an Employee Assistance Program or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.3.1 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to employees. Disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

1012.4 WORK RESTRICTIONS

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so:

1. The amount and types of alcohol or other drugs consumed and the time of consumption.
2. If a controlled substance was consumed, the name of the person who prescribed its use.

(b) Is impaired by the consumption of alcohol or other drugs, the Department shall prevent the employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

(c) The supervisor shall notify the Public Integrity Bureau (PIB).

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1012.5 LEGAL STANDARDS FOR SCREENING TESTS

The Department may request an employee to submit to a screening test if (La. R.S. 49:1015):

(a) It is reasonable to believe, based upon objective facts, that the employee is under the influence of alcohol or drugs which are impairing his/her ability to perform duties safely and efficiently.

(b) The employee is involved in an accident during the course and scope of employment.

(c) The test is part of a monitoring program established to assure compliance with terms of a prior rehabilitation agreement, and the employee is informed of the test in writing:

1. Whether the test will be for alcohol or drugs, or both.
2. That the result of the test is not admissible in any criminal proceeding against him/her.
3. That he/she may refuse the test, but that his/her refusal may result in dismissal or other disciplinary action up to and including termination.
4. Employees entering sensitive positions (Category II) - All employees when assigned to a sensitive position, assignment or task.
5. Fitness for duty (Category III) - Any employee as determined and directed by the Superintendent of Police, Bureau Chiefs or the Deputy Superintendent of the Public Integrity Bureau.

1012.6 DEPARTMENT MANDATORY TESTING

Testing shall be conducted in accordance with the following:

(a) Yearly testing (random) - In compliance with Civil Service Rules, all employees whose positions are identified as Category I or II, or reserve members, shall be tested at least once during each calendar year. Employees to be tested shall be selected from a pool of all eligible employees. A computer program shall be used to generate a list of those employees to be tested. A sample of those employees tested during the year will be selected for retesting.

(b) Promotional and probationary period - All employees, with the exception of reserve employees, shall be required to participate in substance abuse testing when promoted and during all probationary periods. The Education and Training Division shall be responsible for scheduling substance abuse testing for all probationary police recruits. The Office of Compliance shall be responsible for scheduling substance abuse testing for all other probationary positions.

(c) Reserve Academy - All reserve employees shall participate in substance abuse testing during the Reserve Academy training process. The Commander of the Reserve Section shall be responsible for scheduling substance abuse testing for all reserve members while in the Reserve Academy.

(d) Reasonable suspicion - All employees when there is reasonable suspicion to believe that there is illegal use, or abuse of any substance that is impairing his/her ability to perform duties safely and efficiently.

(e) Accident/injury - All employees when involved in an accident or who cause or sustain an injury during the performance of his/her duties, including:

1. Driving a motor vehicle in such an unsafe manner as to cause bodily injury to him/herself or another person or substantial damage to property.

(f) Employees entering sensitive positions (Category II) - All employees when assigned to a sensitive position, assignment or task.

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(g) Fitness for duty (Category III) - Any employee as determined and directed by the Superintendent of Police, Bureau Chiefs or the Deputy Superintendent of the Public Integrity Bureau.

This drug testing will be conducted at a facility designated by the City of New Orleans.

Employees failing to appear within the allotted time may be subject to disciplinary action.

1012.7 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his/her name.

1012.8 CONFIDENTIALITY

The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

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Annual Leave

1013.1 EMPLOYEE RESPONSIBILITIES

Employees who wish to use annual leave shall request permission in writing using NOPD Form 20, submitting same to their supervisor for approval. All requests for use of annual leave, either approved or disapproved, shall be maintained in the employee's personnel jacket at their place of assignment for a period of twelve months.

An employee shall not take annual leave without prior written approval from their supervisor. Approval for annual leave shall not be automatic.

Employees detailed from their regular assignment to a temporary assignment shall obtain leave approval from the supervisor at the place of temporary assignment. If the annual leave period extends to the time the employee will return to their regular assignment, the employee shall also submit the request to their supervisor in their regular assignment.

When an employee wishes to cancel authorized leave, he/she shall notify their supervisor in writing using NOPD Form 105, Interoffice Correspondence.

Members requesting annual leave for a period of more than 24 hours and/or traveling outside of the City more than 400 miles shall include on the annual leave request a contact telephone number and destination location.

1013.2 SUPERVISOR RESPONSIBILITIES

Prior to approval, supervisors shall insure an employee has sufficient annual leave hours to cover the requested time off.

Platoon level supervisors and above may cancel approved annual leave for cause. Reasons for the cancellation shall be noted on the request form. When notified annual leave has been cancelled, an employee shall report for duty as ordered.

1013.3 GENERAL

Annual leave shall be reported in the TRIP Payroll System under Status "A" for those hours taken.

Accrued annual leave shall not be deducted on holidays or AWP days which fall within the annual leave period.

1013.3.1 DENIAL, REVOCATION, OR CANCELLATION OF ANNUAL LEAVE

Members of the Department may have annual leave denied, revoked, or cancelled in the event of an emergency incident. Such instances shall include, but are not be limited to:

(a) The formation of a tropical storm or hurricane within the Gulf of Mexico

(b) Natural disasters

(c) Man-made disasters

(d) Terrorist threats

(e) Civil disturbances

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(f) Any other event declared to be an emergency by the Superintendent of Police or his/her designee

1013.3.2 EMERGENCY INCIDENTS

Members of the Department will have their annual leave denied, revoked, or cancelled at an alert level three or higher. (Reference Emergency Operations Plan for alert levels)

Once a member is informed of an alert level three emergency incident by a supervisor or through the media, he/she shall contact their supervisor for instructions.

(a) If a member cannot contact their supervisor, the member shall do one of the following:

1. Report for duty at their normal place of assignment.
2. Report for duty at any of the Major Field Command Posts. (See the Emergency Operations Plan for locations).

(b) If a member cannot return to the City due to road closures, flooding, etc., the member shall do one of the following:

1. Report for duty at the Major Field Command Post located outside the City (See the Emergency Operations Plan for the location).
2. Report to the closest Louisiana State Police Troop and request assistance in returning to the City.

Only the Superintendent of Police can grant annual leave once the emergency incident is raised to a Level 3 or higher.

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Sick Leave

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal illness. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (29 CFR 825.100) which can be located under Policy 1015 - Extended Sick Leave and Family Medical Leave.

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee.

Sick leave is not considered vacation. Abuse of sick leave shall result in disciplinary actions. Employees on sick leave shall not engage in secondary employment, outside employment, other police related activities, with the exception of mandatory court appearances, or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness. (See EXCEPTIONS PR1014.2.1)

1014.2.1 NOTIFICATION OF AND RECORDING SICK LEAVE

If the employee is detailed, he/she shall notify both the unit of temporary assignment and the unit of permanent assignment. If the employee is assigned to a unit which does not operate on a 24 hour basis, he/she shall notify their unit as soon as the unit is open.

If an employee is unable to complete a tour of duty due to illness or injury, he/she shall notify their supervisor before leaving his assignment.

When reporting sick, an employee shall furnish the following information to his/her unit, which shall be recorded on Form 109R (Sick Form), which can be found at http://www.nopd.org, by the person receiving the information:

(a) Name, residence address, and residence telephone number.

(b) Nature of illness or injury, whether the illness or injury was sustained in the performance of duty, and, if applicable, the item number of the incident.

(c) Place of confinement and telephone number if different from the employee's residence.

All sick leave usage shall be recorded in the TRIP system. If an employee is detailed, the supervisor (or supervisor's designee) of the unit of temporary assignment shall be responsible for recording the sick leave usage in the TRIP system.

An employee may accrue eight undocumented sick leave days, utilized singly or consecutively, per calendar year. (January-December of the same year)

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as reasonably possible and no less than 30 days of the intent to take leave.

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1014.3 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address the use of sick leave in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative effect on department operations. When appropriate, supervisors shall counsel employees regarding the excessive use of sick leave and shall refer the employee to the Employee Assistance Program.

Nothing contained in this policy shall prevent a supervisor from conducting an internal inquiry when it is believed an employee of the department is reporting a fictitious illness or injury or otherwise abusing his/her sick leave benefits. If an internal inquiry reveals an employee is reporting a fictitious illness or injury, the supervisor shall initiate a DI-1.

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Extended Sick Leave and Family Medical Leave

1015.1 PURPOSE AND SCOPE

To establish a department policy which will govern employees who are classified as extended leave, which is a general payroll classification. Specific categories within the general classification of extended sick to include Injured on Duty (I.O.D.), Workers' Compensation (W/C). Sick Leave and Family Medical Leave. These categories are determined by the particular circumstances of the employee.

1015.2 EXTENDED LEAVE

Whenever an employee is absent for thirty calendar days in any extended leave classification, the employee shall be transferred to the Administrative Duties Division. The Administrative Duties Division will conduct an initial evaluation and continue to monitor the employee until such time as he/she is returned to full duty and transfers out of the Administrative Duties Division, or is no longer employed by the New Orleans Police Department. The Administrative Duties Division Commander will utilize a Form 50 for purposes of recording medical documentation of the employee's status. Any recommendations from the employee's commander or other relevant information should be forwarded to the Administrative Duties Division at the time of the transfer assignment.

The Administrative Duties Division shall serve as the temporary place of assignment for all employees in an extended leave classification and for those employees that qualify for a limited duty assignment, while recovering from an illness or injury. At the discretion of the employee's District/Division Commanding Officer, an employee who is hospitalized or whose absence results in extended sick leave due to a documented illness or injury may be exempt from the daily notification provision. Should this exemption be granted, the District/Division Commander shall check off the exemption block on NOPD form 109R (Sick Form), which can be found at http://www.nopd.org under the forms tab, and date and sign said form acknowledging the exemption.

It is the responsibility of Division Commanders to monitor the leave usage of their employees and to ensure that accurate and timely extended sick leave classifications are properly documented. This includes adherence to the requirements set forth in this section regarding a timely transfer of personnel to the Administrative Duties Division.

If a Commander has medical documentation which would support an employee's transfer before an absence of thirty calendar days, it is permissible to request the transfer.

Any communications or requests for information, internal or external to the Department, relating to employees in limited duty positions, shall be coordinated and managed by the Administrative Duties Division.

1015.3 CLASSIFICATIONS OF EXTENDED LEAVE

Extended leave is any continuous use of Sick Leave, I.O.D., Workers' Compensation, Leave Without Pay, or any leave combination, whereby the loss of time equals thirty (30) calendar days. An employee must provide a Form 50 attesting that the illness or injury is ongoing or an extended recovery is necessary.

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Injured on Duty (I.O.D.) A job related injury sustained while engaged in the performance of duties as defined in Civil Service Rule VIII, Section 2, 2.1(d)(1) - "When an employee of the New Orleans Police Department sustains accidental bodily injury while actively engaged in law enforcement duties and as a direct result of circumstances that are unique to law enforcement, such employees may be granted sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provision of the State of Louisiana Worker's Compensation statutes, provided such leave is recommended by the Superintendent of Police and is requested of and approved by the Director of Personnel of the Department of Civil Service."

Worker's Compensation (W/C) **-** A job related injury sustained in any manner which cannot be classified as Injured on Duty, but meets provisions of the Louisiana Worker's Compensation Law.

Sick - Any illness or injury sustained while off-duty or on a paid detail which cannot be classified as I.O.D. or Workers' Compensation and the employee is carried sick according to Civil Service Rules.

1015.4 FAMILY MEDICAL LEAVE ACT

Any request for leave under the Family Medical Leave Act should be made in accordance with the Chief Administrative Office Policy Memorandum No. 108, which can be found under the forms tab at http://www.nopd.org. This applies to all commissioned and non-commissioned members of the New Orleans Police Department who qualify to receive family and medical leave under the provisions of the FMLA.

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Disciplinary Hearings/Penalties

1021.1 PURPOSE AND SCOPE

This policy establishes a procedure for conducting disciplinary hearings following PIB investigations that identify potential violations and for the administration of a penalty if an employee is found to be in violation.

1021.1.1 DEFINITIONS

Definitions relating to this policy include:

Discipline - means a personnel action for violation of an established law, order, rule or NOPD policy and/or procedure, including an admonishment, written reprimand, suspension, demotion, or dismissal.

Unfounded - Where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Sustained - Where the investigation determines by a preponderance of the evidence that the alleged misconduct did occur.

Not sustained - Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

Exonerated - Where the investigation determines, by a preponderance of the evidence that the alleged conduct did occur but did not violate NOPD policies, procedures, or training.

Duplicate - The employee's action was the same as the action described in another alleged violation in the same incident.

1021.2 POLICY

There shall be no penalty or threat of penalty for a law enforcement officer to exercise his/her rights under Chapter 2531 of Title 40 of the Louisiana Revised Statutes of 1950, Rights of Law Enforcement Officers While Under Investigation.

A disciplinary hearing shall be held on potential violations identified in an investigation. The hearing shall serve four purposes:

(a) Determining the validity of the identified violations;

(b) Recommending a disposition;

(c) Providing the accused an opportunity to present mitigating circumstances; and

(d) Recommending a penalty, if the identified violations are sustained.

The forums used to conduct a disciplinary hearing are the Commander's Hearing, the Bureau Chief's Hearing, Deputy Superintendent's Committee, and the Superintendent of Police's Hearing.

1021.3 COMMANDER'S HEARING

With the approval of the Superintendent of Police, a District/Division Commander may conduct a disciplinary hearing when the:

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(a) Violation is does not involve criminal activity;

(b) Accused employee's classification is subordinate to the commander's classification; and

(c) Commander did not serve as investigator or initiate investigation on the case being heard.

1021.4 BUREAU CHIEF'S HEARING

With approval of the Superintendent of Police, a Bureau Chief may hold a disciplinary hearing for any employee within his/her respective Bureau unless the Bureau Chief served as an investigator on or initiated an investigation on the case being heard.

1021.5 DEPUTY SUPERINTENDENT'S COMMITTEE HEARING

The Superintendent of Police may appoint a Deputy Superintendent's Committee, composed of the Department's Bureau Chiefs and Commanders, to hear any case.

(a) Majority vote shall guide all of the committee's recommendations.

(b) Only those committee members who voted to sustain a violation, which was recommended to be sustained by majority vote, shall vote on the penalty recommendation in that case.

(c) The accused employee's Deputy Superintendent shall chair the Committee Hearing.

1021.6 SUPERINTENDENT OF POLICE'S HEARING

The Superintendent of Police may hear any disciplinary case.

1021.7 SELECTION AND SCHEDULING OF HEARING FORUM

Upon the Superintendent of Police's final approval of any sustained violations, the Superintendent of Police, through the Commander of the Public Integrity Bureau (PIB), shall choose a forum for the disciplinary hearing.

If the Superintendent of Police recommends a Commander's Hearing or Bureau Chief's Hearing, PIB shall notify the accused employee and his/her Bureau Commander of the specific date of the hearing. The Bureau Commander will be responsible for the preparation and delivery of the Hearing Notification Form and any required administrative subpoenas.

f the Superintendent of Police recommends an Assistant Superintendent's Committee Hearing, PIB shall notify the accused employee and his/her Deputy Superintendent of the specific date of the hearing. The accused employee's Deputy Superintendent will ensure all administrative subpoenas are issued.

In any case investigated by PIB personnel, the PIB investigator shall be responsible for completing the information on page one of the Hearing Notification form. The form shall be forwarded by PIB to the hearing officer(s) along with the investigative case package.

If the Superintendent of Police recommends a Superintendent of Police's hearing, PIB shall be responsible for scheduling the hearing, preparing the Hearing Notification, and any administrative subpoenas. PIB shall deliver the Hearing Notification and administrative subpoenas to the accused employee's Bureau Commander for delivery to the accused.

The hearing shall be held prior to the date specified by PIB In the event that the hearing cannot be held by the specified date due to extenuating circumstances, the Hearing Officer

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shall notify PIB through the chain of command, via Form 105, of the reason for the delay and expected date of the hearing.

1021.8 HEARING NOTIFICATION AND APPEARANCE AT THE HEARING

The Hearing Notification shall be utilized to formally notify the accused employee of the following:

(a) That a hearing will be conducted;

(b) The time, date, and location of the hearing;

(c) The identity of the hearing officer;

(d) The nature of the violation(s);

(e) A synopsis of the each identified violation and recommendation of investigator of sustained or un-sustained, addressing each violation.

The Hearing Notification shall be issued to and signed by the accused employee at least five calendar days prior to the date of the hearing. The photocopy shall be maintained in the original case file. A photocopy is to be issued to the employee. Upon completion of the disciplinary hearing, the hearing officer shall forward to PIB, through the chain of command, the original Hearing Notification and any other hearing materials. PIB shall maintain all the Hearing Notifications in the permanent case file.

The case investigator shall appear at the disciplinary hearing under administrative subpoena. The investigator shall be subpoenaed at least five calendar days prior to the date of the hearing.

The Division, Section, or Unit level commander of the accused employee shall appear at any disciplinary hearing involving any subordinate under his/her command.

The Division, Section, or Unit level commander shall ensure that any subordinate who appears for a disciplinary hearing is, for payroll purposes, entered into the TRIP system as regular working for the term of the hearing. The entry shall reflect the PIB control number in the Remarks section.

An employee who fails to appear after being properly notified may be subject to disciplinary action. The hearing may still go forward if the officer is notified and fails to appear absent a request for an extension.

1021.9 CONDUCT OF HEARING

The Hearing Officer shall allow the accused employee to respond to any allegation against him/her, consider any mitigating or extenuating circumstance, and shall conduct the hearing according to the below guidelines.

1021.9.1 PRE-HEARING

The accused employee shall have the right to have legal counsel or other representative, or both, present at the disciplinary hearing in the capacity of an observer to the proceedings. The accused may request permission from the Hearing Officer to call other witnesses to testify on his/her behalf. Approval to call witnesses to testify is not automatic. The Hearing Officer must decide whether to allow witness testimony and may grant approval on a case-by-case basis.

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1021.9.2 OPENING

The hearing shall be analog or digitally recorded. Standard size cassette tape shall be utilized. The Hearing Officer shall state the time, date, place, and identity of all those present at the disciplinary hearing, and the type of hearing being conducted. The Hearing Officer shall, utilizing the Hearing Notification Form, read into the record the circumstances of the misconduct and the identified violation(s) alleged to have been committed.

1021.9.3 BODY

The body of the hearing shall include an opportunity for the accused employee to respond to the allegations against him/her and may include questions from the hearing officer or designee.

1021.9.4 CONCLUSION

At the conclusion of the hearing, after due consideration, the Hearing Officer shall verbalize to the accused employee his recommended disposition and penalty on each allegation. The recommendation on each allegation shall be chosen from one of the following: UNFOUNDED, EXONERATED, NOT SUSTAINED, DUPLICATE OR SUSTAINED. At the conclusion of the hearing, the Hearing Officer shall state the date and time the hearing is concluded.

1021.10 HEARING DISPOSITION AND PENALTY RECOMMENDATION

If the Hearing Officer finds any allegation SUSTAINED, the Hearing Officer shall recommend an appropriate penalty for each sustained violation in accordance with the guidelines set forth in the penalty section in the procedure portion of this policy.

A Bureau Chief or Superintendent of Police's Disciplinary Committee may recommend any penalty including dismissal. A Commander's Hearing may recommend any penalty up to a 30 day suspension.

The Hearing Officer shall inform the accused employee of the recommended disposition and recommended penalty (if sustained). Inform the accused that the Superintendent of Police is the final authority in any disciplinary action, and that the recommended action is not official until the accused employee receives a disciplinary letter from the Superintendent of Police.

If the Hearing Officer believes the investigation contains errors or omissions that need to be corrected, he/she may either:

- Continue the conclusion of the hearing to another date.
- Return the investigation to PIB, attaching a cover Form 105 addressed to the Superintendent of Police, specifying the reason for the return.

A supplemental investigative report submitted as a result of the request for further information by a Hearing Officer shall be identified as a Supplemental Investigation . The original report shall not be altered.

The Hearing Officer shall document the disposition and penalty recommendation on the Hearing Disposition Form.

(a) The Hearing Officer shall record a separate disposition for each violation.

(b) If additional violations have been recommended SUSTAINED by the Hearing Officer, a Form 105 articulating how the additional violation(s) occurred shall be attached, and

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made a page of the Hearing Disposition. New violations must go to PIB for a new investigation.

(c) The Hearing Officer shall record a separate penalty for each violation (and not a cumulative penalty for the case).

(d) If the penalty is a suspension, the Hearing Officer shall indicate that the suspension time involves working days (example: ten working days).

(e) Should the penalty include a fine, the Hearing Officer shall record in the Remarks section the exact amount of any monetary fine assessed, and how that amount was determined.

(f) Should the penalty include a prohibition on working paid off-duty details, the Hearing Officer shall record the number of calendar days during which the employee is prohibited from working details.

(g) Should the penalty include any other restriction, such as loss of a take-home vehicle or other such privilege, the Hearing Officer shall record the number of days the property or privilege is restricted.

(h) Should the penalty include any remedial or other training, the type of training, and the person responsible to co-ordinate and schedule the employee for the training shall be specified in the Comments section.

The Superintendent of Police may approve, disapprove or change any recommended disposition or penalty. Only the Superintendent of Police has the authority to impose disciplinary action.

1021.11 SUBMISSION OF HEARING PACKET

The Hearing Officer shall forward the original Hearing Notification Form, the original Hearing Disposition Form, the audio/digital recording of the hearing, the investigative report, and any other related materials through the Hearing Officer's chain of command to PIB.

(a) The accused employee's Bureau Commander shall have approval authority for the Commander's Hearing recommended disposition and recommended penalty. Upon receipt of the hearing records, the Bureau Commander shall review the recommended disposition and penalty**;** approve the recommended disposition and penalty or recommend a different disposition and/or penalty.

(b) If the Bureau Commander recommends a different disposition and/or penalty, he/she shall explain, in detail in the Comments section of the Hearing Disposition or on a Form 105, why a new disposition and/or penalty is recommended.

1021.12 DISCIPLINARY LETTER

Upon receipt of the Superintendent of Police's decision regarding a penalty, PIB shall prepare a disciplinary letter. The disciplinary letter shall include the following:

(a) A statement citing the reason for the disciplinary action;

(b) The effective week of the action, or date of dismissal;

(c) A statement of the status of fringe and retirement benefits after dismissal;

(d) A statement as to what documentation shall be retained in the employee's personnel file relative to discipline and/or dismissal;

(e) A statement of the time frame for filing a Civil Service appeal; and

(f) A statement directing the employee to refer to Civil Service Rules, governing appeals.

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PIB shall notify the accused employee's Bureau Commander when the disciplinary letter is ready to be issued to the employee. PIB shall establish a time limit for the employee to appear at the PIB office to receive his/her letter. The Bureau Commander shall establish sufficient procedures to ensure that the employee is instructed to appear at the PIB office to receive his/her disciplinary letter and sign a receipt. The Bureau Commander shall ensure PIB is notified in writing if an employee is unable to appear to sign for his/her disciplinary letter within the specified time frame.

When there is no Bureau Commander in the accused employee's chain of command, the Superintendent of Police may assign the appropriate supervisor to assume the responsibilities of the Bureau Commander.

1021.13 RESPONSIBILITIES OF THE PUBLIC INTEGRITY BUREAU (PIB)

PIB shall review all investigative reports submitted in disciplinary matters.

PIB shall forward a copy of the investigative case file, along with the accused employee's disciplinary record, to the designated Hearing Officer for consideration in the penalty phase of the hearing.

PIB shall be responsible for notifying the accused employee of specific date, place and time of the hearing.

The Commander of PIB shall coordinate all forms of Disciplinary Hearings, and assign an employee from PIB to attend all Disciplinary Hearings, except Commander's Hearings.

PIB shall maintain a record of every disciplinary hearing and shall be responsible for the audio taping of the hearing. Commander's Hearings shall be audio recorded by the hearing officer. The audio tape shall be forwarded to PIB for filing. PIB shall maintain for seven years the files of all disciplinary hearings.

PIB shall review each recommended disposition and penalty resulting from a disciplinary hearing to ensure the disposition is appropriate and the recommended penalty is in compliance with the established penalty schedule.

PIB shall be responsible for forwarding final recommendations to the Superintendent of Police for approval.

PIB shall prepare the disciplinary letter from the Superintendent of Police which finalizes the disposition of the complaint and the penalty. The accused employee shall then be notified through the office of his/her Bureau Commander to appear at the PIB office to receive and sign a receipt for his/her disciplinary letter.

PIB shall record the disposition of investigations in the PIB files and make the appropriate files available for viewing by the accused employee, as specified by the mandates of the Police Officer's Bill of Rights (in accordance with La. RS 40:2533) and the Public Records Law.

PIB shall inform the complainant in writing of the final disposition of the complaint which he/she initiated.

PIB shall monitor the Departmental disciplinary process and recommend revisions to the Superintendent of Police.

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PIB shall monitor each appeal by a member of the Department presented to, and heard by, the Civil Service Commission and shall make recommendations to the Superintendent of Police on these appeals.

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Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic accident. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in department vehicles.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - A lap belt, a shoulder harness or an age- or size-appropriate child safety seat that meets Federal Motor Vehicle Safety Standards and Regulations (49 CFR 571; La. R.S. 32:295(B)(2)).

Safety belt system - A manual restraint system installed by the manufacturer that conforms to Federal Motor Vehicle Safety Standards and Regulations (49 CFR 571; La. R.S. 32:1(62.1)).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, or when in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained unless exempt by law (La. R.S. 32:295.1(B)).

1022.2.1 TRANSPORTING CHILDREN

To be properly restrained as required in this policy, child passengers shall be transported using an approved child restraint system for all children younger than 13 years of age. Children shall be transported in compliance with Louisiana's restraint system requirements based on the age and weight of the child (La. R.S. 32:295(A)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance that requires careful seating and positioning of seat belts. If permitted by law, children and any child restraint system may be secured in the front seat of vehicles provided this positioning meets the vehicle and federal safety standards and, if the child is under 13, the seat is pushed back as far as possible and the passenger-side air bag deactivated. If this is not possible officers should consider arranging alternative transportation.

1022.3 TRANSPORTING PRISONERS

Prisoners shall be secured in the rear seat of the patrol vehicle by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer.

1022.4 INOPERABLE SEAT BELTS

No department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

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No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belt system, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Superintendent of Police or the designee.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

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NEGOTIATED SETTLEMENT AGREEMENT (NSA) AND COMPLAINT RESOLUTION

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to define the use of a Negotiated Settlement Agreement (NSA) which allows for a more efficient resolution of an alleged violation without a formal hearing and applies consistency in the application of corrective action.

To be eligible for negotiated settlement, the alleged violation must be rank initiated and a minor violation. For purposes of this policy, a rank initiated violation is a violation reported by an NOPD supervisor. For purposes of this policy, a minor violation is defined as an infraction or set of infractions that are (1) subject to discipline of reprimand to a maximum of ten days as categorized within the Penalty Schedule listing under PR1021; and (2) listed in the Criteria for NSA Eligibility Schedule included within PR1023. ***Complaints initiated by citizens shall not be eligible for negotiated settlement***.

The preference is for as many cases as possible to be resolved using the Negotiated Settlement Agreement. It is beneficial to all parties involved to resolve complaints as quickly as possible, without sacrificing the goals of the corrective action or disciplinary process.

The Negotiated Settlement Agreement process cannot be used, or function without the complete and unwavering truthful admission of the employee. Employees are required to be honest and truthful at all times in their spoken, written or electronic communications. Employees shall truthfully answer all questions directed to them on the order of the Superintendent of Police, the Superintendent's designee, superior officer or any judicial, departmental, or other official investigative body.

Negotiated Settlement Agreements are not a "right" or "entitlement". At any point prior to the final approval by the Superintendent, the matter can be handled through the formal investigation process.

1023.2 DEFINITIONS

Criteria for NSA Eligibility Schedule – A guide to be used by management in determining if the violation is appropriate for consideration under the Negotiated Settlement Agreement process (*see PR1023)*.

Minor Violation - An infraction, or set of infractions, that is (1) subject to discipline of reprimand to a maximum of ten days as categorized within the Penalty Schedule listing under PR1021; and (2) listed in the Criteria for NSA Eligibility Schedule included within procedure PR1023.

Penalty Schedule- A guide to be used by management in determining the appropriate discipline to impose by type of violation committed (*See PR1021, Disciplinary Hearings & Penalty Schedule*).

Presentation Meeting - The first meeting, scheduled by the initiating Bureau and held as soon as practical but no more than five (5) calendar days after receipt of the Public Integrity Bureau Disciplinary Resolution Form #302.

Public Integrity Bureau Disciplinary Resolution Form (Form #302)- Official departmental form used to negotiate the settlement process for violations of the policies, rules or procedures of the department, when job performance may have adversely affected the personal and property rights of others.

Rank Initiated Violation - A violation reported by an NOPD supervisor.

Reflection Period - A period of reflection where the employee has up to five (5) calendar days to consider the findings and recommended sanction after being presented with the facts.

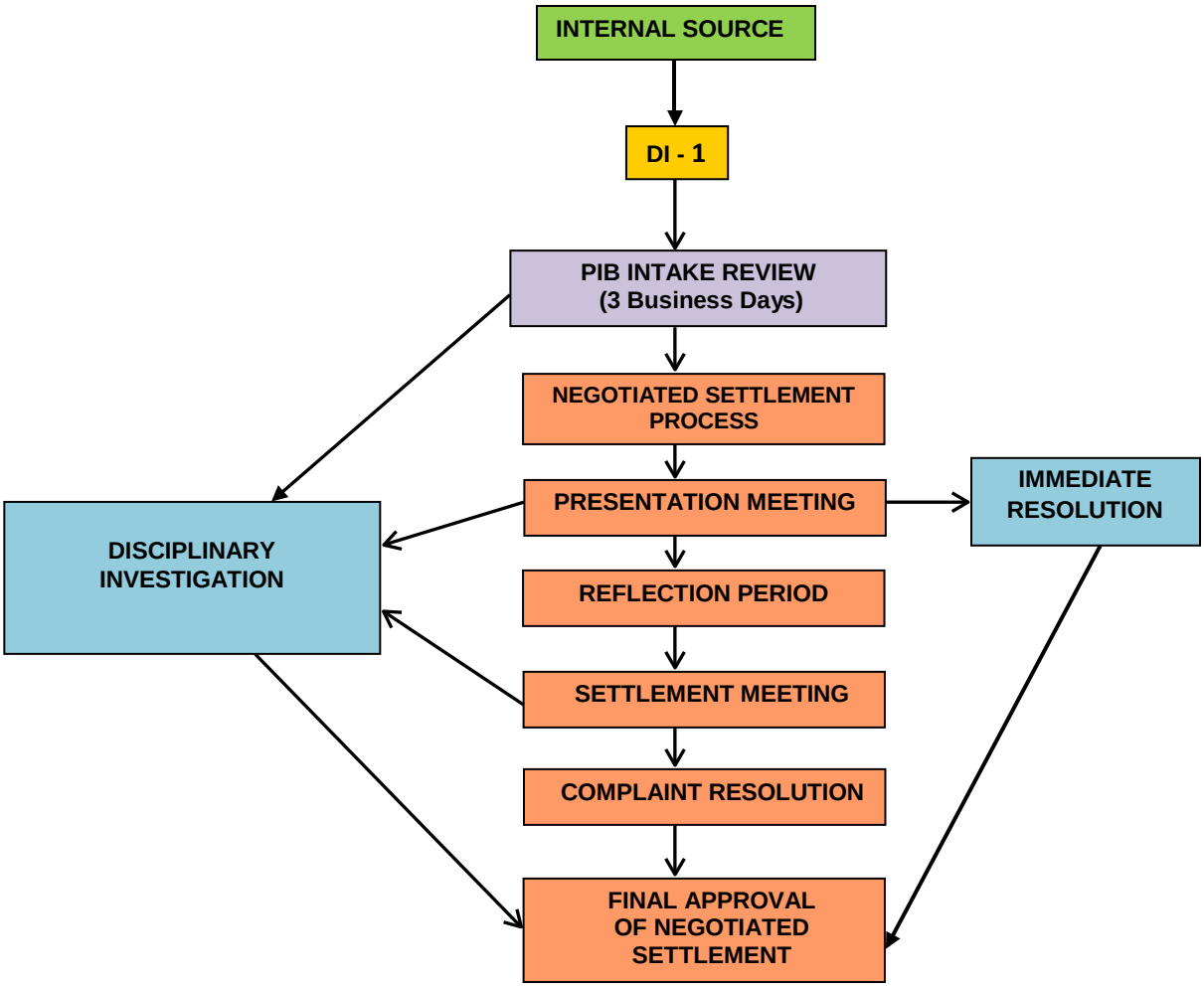
Settlement Agreement – An agreement between the employee and the department to settle the complaint without the need for further investigation.

Settlement Meeting - The second and final meeting, occurring after the Presentation Meeting and a Reflection Period, where an employee, having been presented with the Public Integrity Bureau Disciplinary Resolution Form #302 makes a selection of the negotiated penalty or a disciplinary investigation.

Waiver - A written document wherein an employee voluntarily relinquishes a right or privilege otherwise provided for in established policy, rules or procedure.

1023.3 PARTICIPATION IN THE NEGOTIATED SETTLEMENT AGREEMENT PROCESS

In order to participate in the Negotiated Settlement Agreement process, officers shall agree to a 60 day extension of time per LA.R.S. 40:2531(B)(7) by affixing his/her signature along with the signature of his/her Division Level Commander on the Civil Service Extension Request Form #304.



1023.3.1 FORM COMPLETION – CHART

	FORM COMPLETION	***PIB REVIEW***	***PRESENATION MEETING***	***SETTLEMENT MEETING (after reflection period)***	***EXTENSION – EXTRAORDINARY CIRCUMSTANCES***	***TIME FRAME FOR COMPLETION (Report to Resolution by Settlement***
Public Integrity Bureau Disciplinary Resolution Form #302	Without undue delay at completion of investigation	3 Business Days	No more than 5 calendar days after completion of an approved form.	On or before the 5th calendar day from the Presentation Meeting	Up to 10 additional calendar days with the approval of the Bureau Chief	Ten (10) calendar days. (Maximum 20 days with extraordinary circumstances

1023.3.2 FORM COMPLETION - PUBLIC INTEGRITY BUREAU

Upon initiation of a formal investigation, the Public Integrity Bureau will determine if the alleged violation fits the criteria to be considered for the Negotiated Settlement Agreement process. If the alleged violation fits the criteria, the PIB Supervisor will be responsible for completing Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302, and attaching this form to the DI-1 Initiation form.

Upon approval of the Public Integrity Bureau Disciplinary Resolution Form #302 by the Commander of PIB, or his/her designee, it will be routed to the accused member's Bureau Liaison with the DI-1 Initiation form and the member's PIB Short Form (i.e., discipline summary).

1023.3.3 SCHEDULING THE PRESENTATION MEETING

The employee's Division Level Commander shall be responsible for conducting a meeting with the employee to present the allegations or findings of the investigation and a proposed resolution. This is known as the Presentation Meeting.

The Presentation Meeting shall be held as soon as practical but no more than 5 calendar days from receipt of the DI-1, the Public Integrity Bureau Disciplinary Resolution Form #302 and PIB Short Form by the Division Level Commander. The 5 calendar day timeline begins upon receipt of the Public Integrity Bureau Disciplinary Resolution Form #302 from the Bureau Liaison. This 5 calendar day period gives time to provide ample notice to the accused employee in order to identify and secure the attendance of counsel or employee representative and to be fully prepared to discuss the matter. [The availability of an employee representative or counsel should not cause an unreasonable delay (5 days barring the request for extension) for the Presentation Meeting or any meeting]. The accused officer shall be provided a copy of the Police Officer's Bill of Rights under Civil Service Rules, including any right to a departmental hearing.

When scheduling the Presentation Meeting, copies of the documentation used to determine the corrective or disciplinary action, along with the DI-1 and Public Integrity Bureau Disciplinary Resolution Form #302, will be provided to the employee in order that they may prepare for the Presentation Meeting.

1023.3.4 PRESENTATION MEETING

The Presentation Meeting is the first meeting after completion of Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302.

The proper and orderly administration of the disciplinary process requires that the Presentation Meeting be conducted in a timely manner.

During the Presentation Meeting, the investigation involving an alleged violation of departmental policy, procedure, or order will be reviewed and discussed. This meeting will be conducted by the employee's Division Level Commander.

The employee will have three options at the Presentation Meeting:

a) Immediate Resolution – The employee may elect to immediately accept the sustained allegation and the recommended sanction as categorized within the Penalty Schedule listing under PR1021; or

b) Reflection Period – The employee may elect to have a period of reflection where the employee has up to 5 calendar days to consider the findings and recommended penalty.

1. When an employee makes this selection, the employee's Division Level Commander will have the employee sign an acknowledgement receipt of the Public Integrity Bureau Disciplinary Resolution Form #302 and their obligations during the 5 calendar day reflection period.

c) Request a Case Investigation – The employee may elect to have the case investigated under normal procedures.

Prior to the conclusion of the Presentation Meeting, a follow-up Settlement Meeting will be scheduled for the 5th day from the date of the Presentation Meeting for an employee opting for a Reflection Period (or as close thereto as practical without exceeding 5 calendar days) for final resolution.

During the time up to the scheduled Settlement Meeting, the employee shall consider the settlement proposal and be prepared to discuss the recommended penalty. The employee shall be prepared to make a decision at the Settlement Meeting. The employee should also secure the advice or attendance of any employee representative or counsel; however the availability of an employee representative or counsel should not be cause to unreasonably delay any meeting.

At any point prior to or at the Settlement Meeting, the matter may be resolved by settlement agreement.

If an employee does not make a selection at or before the Settlement Meeting, the employee will be deemed to have selected a disciplinary investigation and the matter(s) pending shall be referred to a PIB investigator.

1023.3.5 SETTLEMENT MEETING

The Settlement Meeting is the final meeting. The accused employee will not be allowed a third opportunity to consider the sustained allegations.

At the Settlement Meeting, the accused employee and their representative, if applicable, can negotiate the recommended penalty. Every effort should be made by the employee and the accused employee's Division Level Commander to negotiate a settlement. The intention of the penalty is not to punish the employee for behavior, but to correct the behavior so that it does not occur in the future. Cooperation from both parties is essential for the effectiveness of the discipline.

At the conclusion of the Settlement Meeting, the available results are:

a) The employee accepts responsibility and the negotiated settlement. The employee and the Division Level Commander sign the Public Integrity Bureau Disciplinary Resolution Form #302 indicating resolution.
b) The employee does not accept responsibility and/or does not agree with the penalty determined through the Penalty Schedule. The applicable sections of the Public Integrity Bureau Disciplinary Resolution Form #302 will be completed.

If the accused employee is unable to reach a conclusion that he/she accepts responsibility for the sustained allegation(s) after the Presentation Meeting, Reflection Period and Settlement Meeting (or does not agree with the penalty determined through the Penalty Schedule), the applicable sections on the Public Integrity Bureau Disciplinary Resolution Form #302 will be completed to indicate referral to a disciplinary investigation consistent with departmental policy.

1023.4 EXTRAORDINARY CIRCUMSTANCES EXTENSION

If the accused employee's Division Level Commander determines during the presentation or settlement process, that extraordinary circumstances exist and that additional time for review and consideration of new information, or is otherwise indicated to be in the best interest of the department or accused employee, the employee's Division Level Commander may request an extension of up to 10 additional calendar days with the approval of the Bureau Chief or the Superintendent of Police. The Division Level Commander shall complete Part 2, Section B of the Public Integrity Bureau Disciplinary Resolution Form #302.

1023.5 CONFIDENTIALITY

To assure the integrity of an ongoing investigation and prior to complaint resolution, the employee is required to maintain the confidentiality of the complaint or investigation. Failure to follow such instruction from an authoritative source shall be grounds for disciplinary action. Nothing herein shall preclude an employee from seeking appropriate representation or legal counsel.

1023.6 RESOLUTION DISAGREEMENT

If the accused employee has agreed to accept responsibility for their behavior but is "disagreeing" only with the extent of discipline requested, every effort should be taken to resolve the disagreement without a formal investigation. The Division Level Commander or accused employee may request at any point in the process the assistance from the Public Integrity Bureau Administrative Lieutenant and/or Bureau Chief to assist with the negotiations to resolve the matter. However, if an acceptable resolution cannot be agreed upon, the case shall be returned to PIB for investigation.

1023.7 ADDITIONAL INFORMATION

At any time during the presentation or settlement process the employee may present exonerating or exculpatory evidence to the Division Level Commander for consideration.

Where the proposed sanction is not already agreed upon, or one or more of the parties involved feels PIB could offer assistance in reaching an agreement, PIB shall be required to participate in the settlement negotiations.

A settlement agreement and/or complaint resolution can occur at any point between the receipt of the complaint and before the conclusion of a Disciplinary Hearing. However, once an investigation has been

assigned, the Negotiated Settlement Agreement process will not interrupt an on-going investigation unless there is a complete admission of culpability by the accused officer.

Officers who elect to negotiate discipline through the Negotiated Settlement Agreement process will not be entitled a right to appeal the approved negotiated discipline through the Civil Service process once the Negotiated Settlement Agreement process has been finalized.

A formal investigation may be conducted if the Public Integrity Bureau or the employee's supervisor receives any new information regarding the original matter.

The Penalty Schedule provides a range of penalties for proven or admitted allegations. The Penalty Schedule shall be used whether the employee elects to have a departmental hearing or agrees to a sanction through participation in the Negotiated Settlement Agreement.

No recommendation or settlement prescribed on the Public Integrity Bureau Disciplinary Resolution Form #302 shall be complete until approved and finalized by the Superintendent of Police.

1023.8 REQUEST FOR SETTLEMENT NEGOTIATIONS BY EMPLOYEES

Employees may request to participate in the Negotiated Settlement Agreement process after a complaint has been assigned to a PIB investigator. The employee shall be responsible for contacting the PIB Administrative Lieutenant to state his/her desire to participate in the process. The PIB Administrative Lieutenant shall determine if the complaint meets the criteria for participation in the Negotiated Settlement Agreement process. If so, the PIB Administrative Lieutenant shall contact the employee's Division Level Commander and assigned investigator to schedule a meeting for not more than 5 days from the date of the accused employee's notification.

The PIB Administrative Lieutenant will not be required to be present at the meeting unless requested by the employee of the Division Level Commander.

The PIB Administrative Lieutenant is integral in this process to ensure that the investigation is not interrupted and to ensure that presentation and settlement meetings are held within mandated time frames.

1023.9 SUSPENSION ALTERNATIVES

The Department's suspension policy is outlined in the New Orleans Police Department's Policy and Procedure Manual, Policy/PR 1053 – Suspensions, Emergency Suspensions or Arrest of Employee.

In order to participate in the alternate suspension process, the employee shall waive any further appeal or contest of this suspension, or any of the terms and conditions of this agreement, to the Rules of the Civil Service Commission for the City of New Orleans or any other tribunal.

1023.9.2 SUSPENSIONS

When an employee's Division Level Commander recommends that the accused employee be suspended, the Penalty Schedule, within PR1021, Disciplinary Hearings & Penalty Schedule shall be utilized as a guide to recommend an appropriate sanction. Resolution of the disciplinary action will not be complete and final until the Superintendent of Police has approved the Public Integrity Bureau Disciplinary Resolution Form #302.

1023.9.2 ANNUAL LEAVE IN LIEU OF SUSPENSION
Upon mutual agreement by the Superintendent of Police and a disciplined employee, suspensions of up to five (5) days may be deducted from the employee's accrued annual leave in lieu of suspension. Notifications of the action shall be made by the Office of the Superintendent of Police in order to facilitate all record keeping requirements affected by the action. The officer shall sign a Memorandum of Understanding (MOU) Form #303 to the agreed terms. Witnesses to the document may include officer's attorney or representative, investigating officer, his Commanding Officer and the Superintendent of Police or his designee.

1023.9.3 TEMPORARY REDUCTION IN PAY IN LIEU OF SUSPENSION
Upon mutual written agreement by the Superintendent of Police and the disciplined employee, an employee receiving a suspension of six (6) days or greater may serve the suspension as a temporary reduction in pay for a specific period of time in lieu of not reporting to work for the number of suspension days received in lieu of suspension. This would result in the loss of wages the employee would normally realize immediately being distributed over multiple pay periods. This mutual written agreement, Memorandum of Understanding (MOU) Form #303 may include, but is not limited to, the following agreed terms:

a) The Superintendent of Police, or his/her designee, shall determine the duration of the pay reduction, but in no case shall it exceed 12 months.

b) The employee will continue to report to duty as scheduled and there will be no necessity for any decommission or loss of benefits during this period for sworn personnel.

c) The pay reduction may be in the form of step or classification reduction and may be rounded to the nearest full day of work. Any rounding of wages shall be done in the favor of the accused employee.

d) Monthly accrual of vacation time and sick time will continue and will not be affected by this agreement.

e) During the pay reduction period any step or increment advancement in pay earned by the employee shall proceed as normal and shall not be affected by this agreement.

1023.9.4 SUSPENSIONS - MISCELLANEOUS
Suspension times imposed shall be recorded in the employee's personnel file as such and shall remain a part of any calculation or consideration for the purpose of imposing or enhancing any future corrective action.

The imposed suspension days shall be considered for the purpose of determining the first, second and third offenses of departmental violations of rules, regulations, policies and laws.

The suspension time imposed shall be filed into the employee's personnel file, considered or taken into account on any promotional process, transfer process or any other departmental or Civil Service eligibility criteria.

Any settlement agreement shall be subject to the approval of the Superintendent of Police.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the New Orleans Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

Threat level IIA or higher body armor shall be issued to all officers and the body armor shall meet or exceed the standards of the National Institute of Justice (NIJ).

Body armor shall be issued when an officer begins service with the New Orleans Police Department. Body armor shall be replaced in accordance with the manufacturer's recommended replacement schedule or when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear department-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Body armor shall be worn when an officer is working a uniform assignment.

(d) Officers may be exempt from the requirement to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) An officer may be exempt from the requirement to wear body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Any officer exempt from wearing body armor due to administrative assignment must wear his/her body armor while conducting or participating in any raid, warrant execution, or other pre-planned, high-risk situation.

(g) Body armor, if not worn due to an approved exemption, must be readily available should the need arise.

(h) Specialized body armor, such as that worn over the clothes by the SWAT Team and Narcotics Division during warrant searches, will be governed by rules promulgated by those respective commands and in accordance with best practice and NIJ standards. All regular duty body armor, issued by the Department, will be worn in a manner not to be visible to the public (e.g., under the uniform clothing).

(i) The Superintendent of Police, or his/her designee, may order the issued body armor worn by all officers or any specific unit, at any time.

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1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Officers will not alter, modify, or insert any object into, or remove any portion of, the vest except as necessary and as prescribed by the manufacturer for routine care and maintenance.

Officers are responsible for reporting any damage or wear to the ballistic panels or cover to the Education and Training Division.

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

1024.3.4 REPLACEMENT OF SOFT BODY ARMOR

Body armor damaged by normal use will be replaced by the Department. Body armor damaged due to abuse or neglect will be paid for by the officer. The Commander of the Education and Training Division or his/her designee shall make the determination when body armor shall be replaced.

1024.4 EDUCATION AND TRAINING DIVISION RESPONSIBILITIES

The Commander of the Education and Training Division or his/her designee shall:

(a) Monitor professional sources (e.g., NIJ) for information about recalls of, or identified problems with, body armor used by department personnel.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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COMMUNITY-POLICE MEDIATION POLICY

1025.1 PURPOSE AND SCOPE

The Community-Police mediation process is designed to help resolve conflict and allow the parties involved to come to a mutually acceptable resolution.

The Office of the Independent Police Monitor (OIPM) is establishing the Community-Police Mediation Program because adversarial disciplinary processes are not always the most effective way to resolve all police-community conflict. Mediation is offered as an option, in order that some NOPD employees and community complainants may participate in an alternative to the traditional complaint investigation process.

The NOPD goal in participating in a mediation process is to increase the level of trust between the Department and the community at large. Mediation provides NOPD employees with a mechanism to resolve complaints outside the investigation process.

This policy will be subject to review annually.

1025.2 DEFINITIONS

For the purposes of this policy:

Complainant: Any community member (minor or adult) who makes a complaint to the NOPD or to the OIPM.

Mediation: A mediation process helps parties develop a mutual understanding of a conflict. Mediation may help the parties identify disputed issues, facilitate communication, provide an opportunity to improve community relationships, and generate options that may help the parties reach a mutually acceptable resolution.

Mediation Coordinator: The Mediation Coordinator is a person designated by the OIPM to serve as the unbiased, impartial and independent coordinator and facilitator of the Community-Police Mediation Program. The Mediation Coordinator will establish, coordinate, and review all the mediation processes and ensure the collection of evaluative data. The Mediation Coordinator will closely liaise with the NOPD Public Integrity Bureau (PIB) as necessary to develop and maintain the referral processes.

Mediator: The role of the mediator is to be a neutral and trained third party who does not influence or pressure either party to come to an agreement; the complainant and the NOPD employee own the process.

NOPD Employee: Any person employed or appointed by the Department, including full-time or part-time officers, reserve officers, civilian employees and volunteers.

1025.3 ELIGIBILITY PROCESS

Only civilian complaints will be considered eligible for mediation. PIB will determine whether a complaint is eligible. The PIB Administrative Lieutenant/Intake Lieutenant will assess complaint allegations and provide cases eligible for mediation to the OIPM within 3 days after the complaint is received by the NOPD. PIB will adhere to its normal complaint intake and classification process. Complaints that PIB does not provide to the OIPM for potential mediation will remain with PIB for the appropriate non-mediation investigatory process.

1025.3.1 Complaint Eligibility

Certain civilian complaints will be considered eligible for mediation, for example: professionalism, discourtesy, and neglect of duty.

The following complaints will not be considered eligible for mediation:

1) Where a complaint involves a criminal allegation against the NOPD employee;
2) Where a complaint could result in NOPD employee termination;
3) Where a complaint alleges false arrest;
4) Where a complaint alleges unreasonable use of force;
5) Where a complaint alleges discriminatory policing;
6) Where a complaint alleges the planting of evidence;
7) Where a complaint alleges untruthfulness/false statements;
8) Where a complaint alleges unlawful search;
9) Where a complaint alleges retaliation;
10) Where a complaint alleges sexual misconduct;
11) Where a complaint alleges domestic violence;
12) Where a complaint alleges theft; or
13) Where the misconduct complained about implicates the conduct of the supervisory or command leadership of the subject NOPD employee

The complaint will not be eligible for mediation if the NOPD employee against whom the complaint is made has already mediated two complaints within the previous twelve months.
Eligibility determinations will be final and not subject to appeal.

1025.4 SUITABILITY PROCESS

Once PIB has deemed a complaint eligible for mediation and provided the complaint to OIPM, the OIPM will assess case and party suitability for mediation through assessment conversations with the NOPD employee and the complainant. Whether the parties agree to mediation (see 1025.5) will be considered in determining suitability.

Complaints that the OIPM determines are unsuitable will be automatically re-filed by PIB for the appropriate non-mediation investigatory process.

1025.4.1 Complainant Suitability

The OIPM will determine suitability for mediation. A complainant may be suitable for mediation when:

1) The complainant has provided informed consent to mediation;
2) If the complainant is a minor, the minor will be accompanied at the mediation by an adult support person;

3) The complainant agrees to sign the confidentiality form and the complaint waiver form (see 1025.5); and
4) The complainant understands the expectations of mediation and is willing to participate in the mediation in good faith.

1025.4.2 NOPD Employee Suitability
The OIPM will determine suitability for mediation. A NOPD employee may be suitable for mediation when:
1) The NOPD employee has provided informed consent;
2) The NOPD employee has signed an automatic 60 day extension form and confidentiality form (see 1025.5); and
3) The NOPD employee understands the expectations of mediation and is willing to participate in the mediation in good faith.

Suitability criteria will be final and not subject to appeal.

1025.5 AGREEMENT/DISAGREEMENT TO MEDIATE
Participation in the mediation process is voluntary, and the complainant and NOPD employee must agree to mediation before the mediation can proceed.

The NOPD employee, if agreeing to mediate a complaint, shall give written authorization by signing an extension form that allows PIB to extend the investigation period of the complaint for an additional 60 days for a maximum period of 120 days. The NOPD employee must sign the extension form within 10 days after PIB provides the complaint to the OIPM.

The complainant, if agreeing to the mediation process, must withdraw the complaint from formal investigation by signing a complaint waiver form within 10 days after PIB provides the complaint to the OIPM. The parties must agree to mediate and sign the confidentiality form within 10 days after PIB provides the complaint to the OIPM.

If both parties agree to mediate, the Mediation Coordinator will select a mediator or mediators and a date for the mediation session.

If the NOPD employee does not agree to mediate, the complaint will be automatically re-filed by PIB and will be subjected to the appropriate non-mediation investigatory process. If the complainant does not agree to mediate, the complaint will be automatically re-filed by PIB and will be subjected to the appropriate non-mediation investigatory process.

1025.6 MEDIATION TIME PERIODS

The PIB Administrative Lieutenant/Intake Lieutenant assesses complaint allegations and refers cases eligible for mediation to the OIPM.	OIPM determines suitability, and the parties agree to mediate and sign the confidentiality, extension and complaint waiver forms.	Mediation occurs.
3 days after the complaint is received by NOPD.	10 days after PIB provides the complaint to the OIPM.	Within 25 days after the complaint is received by the NOPD.

A complaint that is not mediated within 25 days will be returned to PIB for the appropriate non-mediation investigatory process. In the case of a failure to mediate based on scheduling or a failure of the NOPD employee to participate in the mediation in good faith, the complaint will be automatically re-filed by PIB and will be subjected to the appropriate non-mediation investigatory process. The mediator will adequately document to PIB the basis for its determination that the NOPD employee has failed to participate in the mediation in good faith.

1025.7 SCHEDULING OF MEDIATION
The Mediation Coordinator will schedule the mediation at a time agreed upon by all parties. Failure to agree on a date will not be the basis of any disciplinary action against a NOPD employee. If a date cannot be agreed to, the complaint will be automatically re-filed by PIB and will be subjected to the appropriate non-mediation investigatory process.

1025.8 MEDIATORS
All mediators will be selected by the Mediation Coordinator from a pool of mediators. This pool of mediators will consist of appropriately skilled mediators that have undergone police complaint mediation training arranged by the Mediation Coordinator. Ideally, mediation will be conducted by a panel of two mediators. Where a civilian complainant is not fluent in English, a bilingual mediator or an interpreter will be offered.

1025.9 CONFIDENTIALITY
The mediation and any paperwork associated with the mediation are confidential and shall not be reproduced or made public in any way. Both parties must sign a Confidentiality Agreement that will include a prohibition on the use of any information disclosed in the mediation process in a judicial or trial setting.

Survey forms will be provided before and after the mediation session to be filled out separately by both parties. The information will be anonymous and will be used only for research and evaluation purposes. Consent to fill out the survey forms will be obtained from both parties.

1025.10 CONDUCT OF MEDIATION
Mediation is a non-confrontational dispute resolution process. In order to maintain a positive atmosphere, each party is allowed to bring another individual, but that individual will not participate in the mediation except to observe and provide support (unless that individual is an adult accompanying a minor).

The Rules of Evidence do not apply to mediations. The parties may bring whatever information they feel relevant to the mediation.

The mediator or mediators will attempt to facilitate a resolution to issues brought up in the mediation. The goal is for parties to listen to each other to determine what led both to the complaint and to the complainant-police interaction.

1025.11 MEDIATION OUTCOMES
Working together, all parties should attempt to decide on a resolution that will satisfy both parties. Parties may elect to draft and sign a resolution agreement and may choose to share that agreement with the OIPM and/or PIB. A specific resolution is not required to successfully conclude a mediation session.

The agreement to enter into mediation, the act of taking part in mediation, and the resolution of the mediation will not be recorded in the NOPD employee's disciplinary record**.**

1025.12 APPEAL
There shall be no appeal from the mediation process. Mediation is a voluntary process entered into willingly by both parties; due to its voluntary nature, appeal is unnecessary.

Personnel Files

1026.1 PURPOSE AND SCOPE

This policy governs maintenance, retention and access to personnel files (a personnel file is sometimes referred to as a personnel jacket).

It is the policy of the Department to maintain consistent employment records and preserve the confidentiality of personnel data contained in personnel files pursuant to state public records law (La. R.S. 44:11).

1026.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* material** - Evidence held by the prosecution that may be favorable to the defendant, as held by the U.S. Supreme Court in *Brady v. Maryland* (373 U.S. 83 (1963)).

The prosecution - Includes the prosecutor and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

1026.2 CONFIDENTIALITY OF ALL PERSONNEL FILES

Personnel files are private and confidential and may be exempt from disclosure. A request to release, inspect or copy a personnel record shall be forwarded to legal counsel for review and a decision regarding the action to be taken.

1026.3 PERSONNEL SECTION

Each employee of the Department shall have a Personnel Jacket created by the Personnel Section at the time an employee is appointed to the Department. A jacket, containing initial forms and information as deemed appropriate by the Director of Personnel, will be forwarded to the employee's place of assignment.

The Personnel Section shall maintain a Personnel Jacket on all employees throughout their employment with the New Orleans Police Department. Should any employee be transferred to another city agency, thus terminating their employment with the New Orleans Police Department, the Personnel Section shall forward a copy of the employee's Personnel Jacket to the Director of that City Agency upon their request.

When an employee is transferred it will be the responsibility of their commander to forward the employee's duplicate jacket to their new assignment. Under no circumstances will the employee be allowed to deliver his own jacket to his/her new assignment.

1026.3.1 EMPLOYEE ACCESS TO HIS/HER PERSONNEL JACKET

Employees will be allowed to view their personnel jacket upon request of their immediate supervisor or the Director of the Personnel Section. Employees viewing their jacket shall do so in the presence of a supervisor or other employee designated to provide such service. Under no circumstances will an employee remove any document from their personnel jacket without permission of their Commander/Director.

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1026.4 HUMAN RESOURCE SERVICES

The personnel jacket maintained in the Human Resource Services shall contain but not be limited to the following:

(a) The employee's current and all previous addresses (Declaration of Domicile Form B which can be found at http://www.nopd.org in the Forms folder).

(b) Contact person(s) designated by the employee in the event emergency notification of a relative is needed.

(c) All payroll records and documents pertaining to the reclassification of an employee either through promotion and/or demotion.

(d) All other documentation deemed appropriate by the Director/Commander of the Human Resource Services necessary to abide by Civil Service rules and regulations, CAO policies and State Law.

(e) The employee's current telephone number and all previous telephone numbers.

1026.5 EMPLOYEE'S PLACE OF ASSIGNMENT

The personnel jacket maintained at an employee's place of assignment shall contain but not be limited to the following:

(a) The employee's current address and telephone number, including a copy of Declaration of Domicile Form B.

(b) The address and telephone number of a contact person(s) designated by the employee to be contacted in the event emergency notification of a family member is needed.

(c) All furlough requests, either approved or disapproved, for a period of one year from the date of request.

(d) All documentation of employee counseling except confidential psychological evaluations.

(e) Copies of yearly Employee Evaluation Forms.

(f) Operations Manual - Cognizance Receipt Form indicating the receipt of Departmental policies, rules, and procedures.

(g) Departmental Property Issue and Return Form indicating the issue of department property and the return of same (DPIR Form).

(h) All documentation relative to damage or loss of departmental property and mandated replacement and/or repair of Departmental property by the employee, including repayment if ordered by the Superintendent.

(i) All other documentation deemed appropriate by the employee's Commander/Director.

1026.6 MEDICAL RECORDS

All information pertaining to an employee's medical records shall be kept in a separate central file located in the Personnel Section of the New Orleans Police Department. Under no circumstances shall information pertaining to an employee's medical history be kept at the unit or division level.

1026.7 DECLARATION OF DOMICILE

All employees shall complete the Declaration of Domicile Form B and submit same to their immediate supervisor within 10 working days of obtaining a new domicile or residence.

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Supervisory personnel shall forward all completed Form B's to the Personnel Section within three working days of their receipt.

1026.7.1 EMPLOYEE HOME / CELL / DEPARTMENT PHONE NUMBER

Employees are responsible for notifying their supervisor via NOPD Form 105 immediately upon obtaining a new home/cell or department telephone number.

A copy of the correspondence shall be placed in the employee's unit personnel jacket. The original shall be forwarded to the Personnel Section within three working days of its receipt.

1026.8 RESIDENCE BOOK

Each unit within the New Orleans Police Department shall maintain a residence book on all employees assigned to the unit. A residence book is defined as one specific location, card file, book, file folder, etc., where all employees are listed by name. Their domicile, home telephone number, and department pager shall also be listed. Supervisory personnel are responsible for updating the residence book as the information changes.

A copy of the residence book shall be available to all supervisory personnel assigned to the unit twenty four hours a day.

Departmental employees are prohibited from releasing personal telephone numbers to anyone unless authorized by the Director of Personnel or higher authority. All employees having access to residence books shall bear in mind personal telephone numbers and addresses are private, and good judgment shall be exercised when entertaining requests for such information.

1026.9 INTERNAL INVESTIGATION FILE

The internal investigation file shall be maintained under the exclusive control of the Public Integrity Bureau in conjunction with the office of the Superintendent. Access to these files may only be approved by the Superintendent or the supervisor of the Public Integrity Unit. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

1026.10 TRAINING FILES

An individual training file shall be maintained by the Training Manager for each employee. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications, including mandated annual proficiency requalification. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with timely evidence of completed training/education when the records are required by law or the Department.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's training file.

Training records shall be maintained in compliance with the organization's records retention schedule.

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1026.11 RELEASE OF CONFIDENTIAL INFORMATION

No employee of this department may disclose private or confidential data without the written consent of the affected employee or written authorization of the Superintendent or the Superintendent's designee, except as provided by this policy, pursuant to lawful process, court order or as required by state law (see generally La. R.S. 44:3; La. R.S. 44:4(23)).

1026.12 PURGING OF FILES

An officer may make a written request to purge from their file any record as specified in La. R.S. 40:2533(C).

1026.13 *BRADY* MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as *Brady* material, contained within personnel files.

1026.13.1 RELEASE OF PERSONNEL FILES TO THE PROSECUTOR

Generally, the only time the prosecuting attorney (District Attorney, Attorney General or grand jury) is entitled to access confidential law enforcement officer personnel files without filing a court motion is during an investigation of the conduct of an officer of this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of an identified officer or a specific investigation of this department, or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the District Attorney or grand jury without full compliance with the court process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by law or through the process set forth in court and evidentiary rules (C. Cr. P. 718; Code of Evidence Art. 607).

1026.13.2 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Superintendent may examine the subject officer's personnel file to determine whether there are *Brady* materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If *Brady* material is located, the following procedure shall apply:

(a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of *Brady* material in the officer's personnel file.

(b) The District Attorney should be instructed to file a court motion in order to initiate an in camera review by the court.

(c) As with any court motion, and prior to any review of the files by the court, the subject officer shall be notified in writing that a court motion has been filed.

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the

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court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* material contained in the file, only that material ordered released will be copied and released to the parties filing the court motion.

(f) Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

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Commendations and Awards

1030.1 PURPOSE AND SCOPE

The Department has established a system to recognize commissioned and civilian employees of the NOPD for his/her outstanding performance. Employees of other law enforcement agencies working with personnel of the NOPD may also be recognized.

Additionally, the Department recognizes civilian members who go above and beyond the call of duty as citizens. They are recognized at a separate ceremony giving them proper recognition. Their achievements are also a vital component of the public relations mission, information that is also disseminated to the general media.

1030.2 AWARDS COMMITTEE

The Awards Committee shall consist of:

(a) The Field Operations Bureau Deputy Superintendent or authorized designee.

(b) A representative from the Investigations and Support Bureau.

(c) A representative from the:

1. Field Operations Bureau
2. Public Affairs Division
3. One of the eight police districts
4. Special Operations Division
5. Public Integrity Bureau
6. Management Services Bureau

1030.2.1 AWARDS COMMITTEE ACTIONS

The Awards Committee shall meet at the discretion of the chairman to consider award nominations submitted from previous months. The Awards Committee shall recommend a disposition or award appropriate to the incident for which the employee has been nominated.

(a) Awards Committee attendance is mandatory. In those emergency situations where a representative cannot attend, he/she shall have the responsibility of reviewing the submitted packet, and forwarding the notation of vote to the chairman.

(b) Each nominee can receive only one award for any single incident or investigation, with the exception of the Purple Heart.

(c) Awards shall be presented at scheduled ceremonies.

(d) All awards shall be made part of the employee's personnel file.

All awards shall be made part of the employee's personnel file.

1030.3 COMMENDABLE OR MERITORIOUS ACTS BY EMPLOYEES

A commendable or meritorious act by an employee of this department may include, but is not limited to:

(a) Superior handling of a difficult situation.

(b) Conspicuous bravery or outstanding performance.

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(c) Any action or performance that is above and beyond the typical duties of employees of the department.

Any employee, commissioned or civilian, may recommend any employee, commissioned or civilian, for a departmental commendation or other merit award.

A written commendation may also be made by a member of the public regarding any department employee.

1030.3.1 AWARDS FROM OUTSIDE THE DEPARTMENT

Department employees shall notify the Superintendent or the Superintendent's designee for approval prior to accepting any award from an outside agency or organization for actions taken or performed on behalf of the Department.

1030.4 AWARDS NOMINATION FORM AND SUBMITTAL

The Awards Nomination Form, (Form 193) shall be used to nominate department employees or other individuals for a department award, with exception of the Superintendent's Coin - Service of Excellence, and shall contain:

(a) The employee's name, bureau and assignment at the date and time of the commendation.

  1. One form shall be filled out for each person being nominated, but only one narrative is required.

(b) A brief account of the commendable action with a copy of the police report numbers, as appropriate.

(c) When applicable, a copy of the related police report.

(d) Any other supporting documentation.

(e) The signature of the nominating employee's supervisor indicating he/she is in agreement with the facts as stated, and they coincide with the official investigative police report.

Nomination Forms shall be submitted to the Public Information Office within thirty days of the date of the incident or within thirty days of the conclusion of the investigation. The Public Information Office shall be responsible for all administrative duties of the Awards Committee.

1030.5 AWARDS CONSIDERATION PROCESS

The nominating employee will be notified by the Public Affairs Division within twenty days of the receipt of the nomination. Employees not receiving notification in the specified time frame should contact the Public Information Office.

After each Awards Committee Meeting, the Public Affairs Division will notify the nominee's Commander of the committee's action on each nomination. The nominee's Commander shall be responsible for notifying the nominee.

An appeal for rehearing of a particular decision of the Awards Committee may be made by the respective nominating employee, nominee, or nominee's supervisor.

(a) The appeal must be submitted in writing specifying the reason for the disagreement and supported by new or additional information.

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(b) The appeal must be submitted within thirty days from the date of notification of the committee's action.

1030.6 COMMENDABLE OR MERITORIOUS ACTS BY CITIZENS

A commendable or meritorious act by a citizen may include, but is not limited to:

(a) Assistance to the community beyond that expected of normal citizenry.

(b) Assistance to the police department worthy of notice or merit.

Written recommendations for a citizen's meritorious acts may be made by any employee of this department or any member of the public.

1030.6.1 MERITORIOUS ACTS BY CITIZENS DOCUMENTATION

Meritorious acts performed by citizens and documented by employees of this department should be documented on the Awards Nomination form using the same process for department employees, with areas for inapplicable information left blank. Adequate information to identify the persons performing the meritorious act should be included on the form.

Any documentation in any form from the public identifying meritorious conduct of a citizen should be accepted by any employee and forwarded to the receiving employee's Deputy Superintendent. Attempts to obtain detailed information regarding the matter and the person performing the meritorious act and the person submitting the document should be attempted by the receiving employee, with additional details documented as appropriate.

1030.7 DEPARTMENTAL AWARDS

Awards may be bestowed upon department employees and members of the public. These awards include:

- **MEDAL OF VALOR:** This awarded is for an act considered extremely hazardous and above the call of duty, and under conditions where the chance of the employee(s) escaping death is remote. A posthumous award shall be made where the department employee lost his/her life under conditions and circumstances consistent with appropriate police practices.
- **MEDAL OF MERIT:** This award is given when a employee is exposed to great bodily harm while carrying out a brave act beyond the call of duty under conditions and circumstances consistent with appropriate police practices.
- **MEDAL OF COMMENDATION:** This medal is awarded for an act beyond the course of duty wherein a department employee takes exceptional enforcement action. This may include, but not be limited to, preventing a major crime wherein such action protects life and property; apprehending a dangerous criminal following the commission of a felony and under unusual circumstances.
- **MEDAL OF ACHIEVEMENT:** This award is given when an employee has rendered a service beyond the course and duty and/or because of diligence, tenacity, and perseverance, or acts in a manner that brings credit to the New Orleans Police Department and supports the goals of the organization.
- **LIFESAVING MEDAL:** Is awarded when an employee saves another's life while placing his/her own life in extreme danger.
- **PURPLE HEART:** Is awarded to an employee who, during the performance of his/her duty, has been seriously injured by the hostile act of a criminal offender. If the performance of the employee fits the criteria for the Medal of Valor, Merit,

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Commendation, Achievement, or Lifesaving, one of these medals may also be awarded.

- **LETTER OF COMMENDATION:** A commendation may be issued by the Superintendent of Police to any employee who has rendered a service reflecting credit upon the employee and upon the Department. Such service may include, but shall not be limited to, outstanding criminal arrests; number of concealed weapons arrests; continuous arrest credits; and support activity.
- **LETTER FOR LIFESAVING:** A letter for lifesaving may be issued by the Superintendent of Police to any employee who has saved the life of another in circumstances where the employee's own life was not in danger.
- **PURPLE HEART LETTER:** A Purple Heart Letter may be issued by the Superintendent of Police to any employee for an injury to any part of the body sustained as the result of a hostile act of a criminal offender. A wound, for which this award is given, must have occurred in the performance of duty, and must have required medical treatment. The incident must be a matter of official record (i.e., police incident report).
- **UNIT CITATION - MERITORIOUS:** The Meritorious Unit Citation is awarded to a NOPD unit that has displayed heroism or meritorious service performed as a result of a group effort under extremely difficult and hazardous conditions.
- **UNIT CITATION - ACHIEVEMENT:** The Achievement Unit Citation is awarded to a NOPD unit that has displayed exceptional performance of outstanding services for at least three continuous months.

1030.8 SUPERINTENDENT'S COIN - SERVICE OF EXCELLENCE

The Superintendent's Coin for Service of Excellence is awarded by the Superintendent of Police to an agency commissioned employee, non-commissioned employee or civilian who has distinguished themselves in a manner of professional or personal excellence.

1030.8.1 SUPERINTENDENT'S COIN - SERVICE OF EXCELLENCE NOMINATION PROCEDURE

The nomination process for the Superintendent's Coin - Service of Excellence, shall be as follows:

- Any employee, commissioned and/or civilian, may recommend an employee of the department for this award.
- The nomination shall be submitted on the Superintendent's Coin - Service of Excellence Nomination Form (Form 195) by the nominating employee. One form shall be completed for each commissioned, non-commissioned and/or civilian nominated, but only one narrative is required. If applicable, a copy of the police report documenting the performance shall also be attached.
- Nominations shall be submitted through the chain of command to the Superintendent's Office.

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Lactation Breaks

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved by a supervisor, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate public or private areas.

Breastfeeding is permitted by law in public areas (La. R.S. 51:2247.1). Employees shall not wear a department uniform or display any other form of department identification while breastfeeding in public.

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Payroll Records

1036.1 PURPOSE AND SCOPE

Payroll records are submitted by each district/division/section/unit to the Payroll Section on a weekly basis for the payment of wages.

1036.2 GENERAL INFORMATION

Personnel entering payroll records shall pay particular attention to the Charge Code list and enter the appropriate charge code for each employee and their entire platoon.

The lineup shall be entered into the TRIP system on a daily basis not more than two hours after the scheduled reporting time.

A copy of the Beat Roll Book printout shall be printed for review by the Platoon Commander. In reviewing the printout, the platoon commander shall carefully check the following:

(a) All personnel are accounted for and entered;

(b) No data entry errors are made, particularly regarding the total amount of hours entered for each employee;

(c) The Work Status Codes and Charge Codes are correct; and

(d) The shift entered is correct according to the time the employee's regular work begins.

1. Shift Code 1 - employees with regular working assignments beginning between the hours of 1:00am - 1:59pm.
2. Shift Code 2 - employees with regular working assignments beginning between the hours of 2:00pm - 6:59pm.
3. Shift Code 3 - employees with regular working assignments beginning between the hours of 7:00pm - 12:59am.

That if an employee uses sick, furlough or other leave at the beginning of his regular work day, the appropriate shift code is entered in this record.

Every commanding officer shall maintain all original Daily Beat Roll printouts, signed as described above, for all employees under his/her command and shall be responsible for producing same when ordered to do so by an authoritative source.

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll time sheet records shall be completed and submitted by each district/division/section/unit to Human Resource Services, Payroll Section no later than 9:00 a.m. on Friday morning each week, unless specified otherwise.

1036.3 MEMBER RESPONSIBILITY

Every member shall initial next to his/her name on the Daily Beat Roll printout for each entry for that employee on a daily basis acknowledging that the working status and hours are correct. In the event an officer is on some type of leave status (AWP, Annual, Sick, etc), he/she shall initial next to his/her name on all Daily Beat Roll printouts generated during that leave period immediately upon returning to work. If a member is on leave status for an extended period of time, that member's commander shall sign next to each entry for that

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member acknowledging that the leave status is correct. **For the purpose of this policy, an extended period of time is any time exceeding seven days**.

1036.4 DAILY LOCK

During the last hour of duty each day, the Platoon Commander shall perform a DAILY LOCK which will result in the Beat Book being printed. The Platoon Commander shall sign the locked version of the Beat book to certify its correctness. The signed copy shall be filed as the unit's official Beat Roll Book.

Changes to TRIP system entries can be made at the Platoon level prior to the daily lock by the platoon commander.

1036.5 WEEKLY LOCK

After the Daily Lock, changes to TRIP system entries can be made at the Unit level prior to the Weekly Lock by the Unit Commander's designee.

Prior to 6:00am on Payroll Day, the Unit Supervisor or his/her designee shall review the unit's daily records to ensure that all daily records are locked. He/she shall then perform the Unit Weekly Lock. **NOTE:** Payroll Day refers to the day designated by the City Finance Department on or before which the Weekly Lock must be completed. It will usually be the Sunday or Monday of the following week being reported.

After the Weekly Lock, any changes must be made in writing by submitting a Payroll Adjust Form (Form #93) to the Payroll Section as soon as possible after the error is discovered. When completing the form, the employee's Status and Charge Codes must be included. The Payroll Section shall be responsible for making the necessary adjustments to the TRIP Systems.

1036.6 TRIP/TIME SHEETS

After the payroll has been locked by all units (by 7:00am on Payroll Day), the Payroll Section shall verify that all units are locked, and then certify the payroll as correct by 7:00am on Payroll Day. About one hour after the payroll has been certified as correct by the Payroll Section, the HRTS/time sheets will be available for printing at the Unit level.

If a new employee has not been entered into the TRIP computer system by the time the weekly time sheets are ready for printing, a time sheet must be completed by the employee entering the payroll and submitted to the Payroll Section for processing. The time sheets must be signed by the employee's supervisor and the employee. There will be no exceptions to this requirement.

All Divisions, Districts, Sections, and Units shall ensure the weekly TRIP/time sheets are signed (not stamped) by each employee working during the time the sheets are available for signatures. Supervisory personnel shall not enter or allow the words AUTHORIZED LEAVE to be affixed to the time sheet of any employee. All employees must sign time sheets unless on extended leave of five (5) or more days. Upon returning from extended leave, employees must sign time sheets and forward them to the payroll section.

NOTE: If an employee's payroll sheet is submitted with the employee's signature line blank, the employee will receive no paycheck until the sheet is properly completed. UNDER NO CIRCUMSTANCES ARE CORRECTIONS OR MARKINGS TO BE MADE DIRECTLY ON THE TIME SHEET. Copies of all submitted payroll sheets shall be made and maintained in each unit.

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All photocopies of payroll sheets shall be signed by the employee upon his/her return to work. The date and time of the employee's signature, along with the signature of the supervisory personnel presenting the copy to be signed, shall be included on the copy.

The supervisor presenting the payroll sheet to the employee shall affix his/her name at the bottom of the sheet on the Supervisor line. The TRIP/ time sheets must be submitted to the Payroll Section no later than 9:00am on payroll day, or as per special order.

Photocopies of the TRIP/time sheets submitted to the Payroll Section shall be filed for a period of one year at the unit level.

If an employee's payroll sheet is incorrect, he shall sign the sheet, check off the section marked "exception", and attach a completed Payroll Adjustment Form (Form 93) before submitting the sheet to the Payroll Section.

1036.7 PROCEDURE FOR MAKING ADJUSTMENTS TO TIME SHEETS

Supervisors shall be held responsible for assuring all TRIP entries are correct including charge codes, status codes, and budget codes. Payroll Adjustment Form (Form 93) shall be completed on all errors including charge codes, status codes, etc. and approved by the Unit Commander prior to forwarding to the Payroll Section.

When the Payroll Section receives the Payroll Adjustment Form (Form 93) attached to the TRIP/time sheet (with the exception block checked off), the Payroll Section shall immediately make the proper correction in the TRIP/HRTS system in the appropriate location, affix their own signature below the correction, and submit the TRIP/time sheet to the City Finance Department for processing.

1036.8 SUBMISSION OF PAYROLL

Individual TRIP/time sheets may be separated in order to easily obtain individual signatures. Before submitting to the Payroll Section, the time sheets must be separated in social security number order. All payroll time sheets are due to the Payroll Section office every Friday by 9:00am.

1036.9 SPECIFIC ENTRIES

1036.9.1 COURT TIME (03)

Court time is entered only for those hours spent in court outside of the employee's normal working hours. Court time must be entered to the exact minute. Court time will be automatically rounded off to the next half hour by the computer. The computer also automatically assigns a one hour minimum for court time. In the remarks section of the screen, the court section and docket number shall be added.

If an employee's court appearance extends into his regular working hours, the court time entered under Charge Code 03 must end at the time the employee's regular shift begins.

Court subpoenas and overtime slips shall not be sent to the Payroll Section but instead shall be maintained by each employee's unit assignment.

1036.9.2 CASE OVERTIME (02)

Case overtime must be entered to the exact minute and will be paid to the exact minute. The item number of the case being worked shall be placed in the remarks section of the payroll screen.

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1036.9.3 IOD/WORKMEN'S COMPENSATION REPORTS

No employee can be carried in an IOD or Workmen's Compensation status until the injury has been classified as such and the Administrative Duties Section has entered the item number into the TRIP System. Until the injury has been classified, the employee must be carried sick with the item number included in the remarks section. The Administrative Duties Section shall be responsible for making the appropriate adjustments to the TRIP System after the injury is classified.

Units must prepare a Sick Form (Form 109R) and send the original to the Administrative Duties Section within 24 hours on each IOD or Workmen's Compensation sick incident.

1036.9.4 EMPLOYEES WORKING TEMPORARILY IN OTHER THAN THEIR PRIMARY UNIT OF ASSIGNMENT

If an employee works his entire workday in another unit, his primary unit shall carry him detailed to the temporary assignment with no hours entered. The temporary unit shall enter all of the employee's hours under its organization code. If the temporary unit neglects to enter the employee's time, the primary unit will not be able to execute its weekly lock.

If an employee works partial hours in both his primary unit and a temporary unit in any one workday, the unit in which he begins his workday shall enter his hours worked in that unit before any other unit enters the remainder of his hours worked.

1036.9.5 SHIFT CODE/STATUS CODE

Shift Codes are platoon designators designed to distinguish between platoons which begin on one calendar date (i.e. 11:00pm 1194) and end on the following calendar date (7:00am 1-2-94) and from platoons which begin and end on the same date.

The Status Code will be entered in the appropriate location indicating the individual's work status for each workday. Each entry, if more than one entry is made for a day, will contain a status code.

NOTE: The Status Codes and Charge Codes are available through Motion Network via the PLTB inquiry.

1036.9.6 SHIFT DIFFERENTIAL PAY

Shift differential pay is generated automatically by the computer according to the time the employee begins his workday in his regular work assignment, except for charge code 03 (court time) or charge code 02 (case overtime).

Employees who are eligible for Shift Differential Pay will receive the appropriate rate of pay if their reporting time for duty falls within the guidelines set. Individuals who work more than 8.35 hours in one day will receive the rate of pay indicated at the beginning of their duty and that pay will extend to all hours worked on that day.

1036.9.7 SPECIAL EVENT CODE / CHARGE CODE

All personnel assigned directly to particular special event functions or duties shall be carried under the Special Event Charge Code during the hours they perform those duties.

"OPEN" charge codes have been placed in various categories to allow for expansion. An "OPEN" charge code may be utilized for any event not having its own charge code. The use of "OPEN" charge codes may only be authorized by the Data Systems Section through written request.

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Any Division, Section or Unit having one of the newly instituted permanent charge codes shall utilize that code for their daily regular working status.

EXAMPLE:

- D.D.D. W 01 (old system)
- R.T.A. W 01 (old system)
- D.D.D W 45 (new system)
- R.T.A. W 46 (new system)

This process will not alter the use of any other charge codes. The appropriate charge code from the new list shall be used for Court, Case, Holiday overtime, etc., and shall be utilized in lieu of the commonly misused 01 code.

1036.9.8 CIVILIAN EMPLOYEES ON A SEVEN HOUR WORKDAY (35 HOUR WEEK)

Civilian employees who work the entire day without taking any form of authorized leave will be carried working for eight hours. The one hour lunch break will be automatically deducted from the record.

Civilian employees who take any form of authorized leave must have all entries accounted for, and the total hours must equal seven hours.

Example:

- Employee works from 8:00am to 10:00am - 2 hrs working.
- Employee takes furlough from 10:00am to 11:00am - 1 hr.
- Employee returns to work at 12:00 noon and works to 4:00pm - 4 hrs.

The total entries of the above example totals seven hours.

NOTE: The lunch hour from 11:00am to 12:00 noon is not automatically subtracted by the computer.

1036.9.9 CYCLE EMPLOYEES ON AN 8.58 (8 HRS, 35 MIN) WORKDAY

Civil Service Rules now make it possible for all cycle employees to get paid for 85.5 hours bi-weekly (14 day pay cycle) regardless of their work/leave status. A minimum of 8 hours and 33 minutes for all entries, other than regular working hours, and 8 hours and 35 minutes for regular working hours shall be entered each day.

Regular working 8 hours and 35 minutes - 6:25am to 3:00pm = 8.58 hours.

Annual 8 hours and 33 minutes 3:27pm to 11:00pm = 8.55 hrs.

Sick 8 hours and 33 minutes 10:27pm to 7:00am = 8.55 hrs.

The use of civil and military leave should also be 8 hours and 33 minutes.

Holiday "off" should be entered as usual. Holiday "working" should be entered with the specific charge code, total hours worked, and status code F .

If a cycle employee takes leave for any portion of the day, their hours must total 8 hours and 33 minutes. (Example: Working from 6:25am to 11:00am Annual from 11:00am to 2:58pm. Total of 8 hours and 33 minutes = 8.55 hours.)

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If the Platoon Commander is informed at least one day in advance of the employee's need to use furlough in the middle of the workday, he/she may elect to change the reporting time of the employee to coincide with the ending time of the workday with the rest of his/her platoon.

1036.9.10 PERSONAL USE CHARGE (TAKE-HOME VEHICLES)

Commissioned or non-commissioned employees of the department who are assigned a City-owned vehicle with take-home privileges will be assessed a Personal Use Charge for this privilege. Each commissioned employee of the department and each civilian employee as individually directed, whether currently authorized for take-home use of a City vehicle or not, shall be required to complete and sign the City of New Orleans - NOPD Take-Home Vehicle Authorization Form (Form # CAO 03-22).

To provide for this deduction (per CAO Memorandum 03-22), a daily entry shall be required on the TRIP Payroll System. Under the field titled Take Home Veh # , the Account Number of the vehicle assigned to the employee as a take-home vehicle will be entered. Entries in the Take Home Vehicle section are not required when an employee is annual (furlough), sick or AWP (unless the employee is AWP working). (Note: Employees carried Leave Without Pay are prohibited from being assigned a take-home vehicle).

Employees who are provided a take-home vehicle shall be charged a personal use fee unless access to the vehicle is denied for one of the following reasons:

(a) Extended maintenance/repairs or mechanical failure causing the vehicle to be placed out of service (however, if an assigned take home vehicle is available for any portion of a day or a replacement vehicle is provided the personal use fee will continue to be charged);

(b) Emergency fleet use, wherein the vehicle is taken out of take-home status and placed into the fleet for use by the department to maintain normal operations;

(c) Take-home vehicle privileges are suspended for the employee by the department; or

(d) Any other departmental action which causes the employee to be denied access to the vehicle in take-home status.

The City ITI shall maintain accurate tables of charge code and budget code entries, reporting as requested to the Deputy Superintendent of the Management Services Bureau.

The City ITI shall generate a Cycle Cost Report at the end of each fourteen day pay cycle and forward same to the Deputy Superintendent of the Management Services Bureau. Each cost report shall also be permanently archived in the Technology Section.

1036.10 EXTENDED POWER FAILURE/COMPUTER SYSTEM FAILURE

In the event of a citywide extended electrical or computer system failure, daily reporting of employee payroll shall be documented on the Employee Work Record Emergency Incident form (Form #91). All required information on the form shall be completed.

An extended electrical or computer system failure is defined as lasting over a one week period or longer.

If the extended electrical or computer system failure is isolated, payroll shall be entered at alternate locations (i.e., district station, payroll office).

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The Employee Work Record Emergency Incident form (Form #91) shall be forwarded to the Payroll Section within three days upon completion of each form. A copy of the form shall be maintained at the unit level.

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Excusal on the Night Watch

1037.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines for individuals of the New Orleans Police Department who are assigned to the night watch and who desire to be excused from duty in lieu of being paid overtime for court attendance.

1037.1.1 DEFINITIONS

Definitions related to this policy include:

Court attendance - The mandatory appearance in any court or administrative hearing where the employee has been summoned to give testimony and the testimony arises out of the employee's scope and performance of duty.

1037.2 POLICY

Employees of the Department assigned to the night watch (3rd platoon) may be excused from duty on days in which they appear in court for five or more hours instead of receiving court pay.

Employees assigned to the night watch who wish to be excused from duty instead of receiving court pay shall contact their unit commander or on duty platoon commander and request to be excused. Approval is not automatic.

Unit commanders, or on duty platoon supervisors, contacted by employees wishing to be excused from duty shall first check the night watch lineup for manpower allocation or check with the night watch platoon commander before granting approval. The unit commander or on duty supervisor granting approval shall notify the employee's platoon commander, in writing, that the employee has been excused from duty.

If approval is granted for excusal from duty, the employee shall deliver his/her subpoena and completed form 34 (court overtime) to his/her unit desk officer prior to his/her reporting time.

The employee's TRIP payroll shall be entered as follows:

(a) The employee shall be entered as working for eight hours and thirty-five minutes (W 01).

(b) The excused employee shall not be assigned a unit number. That area of the payroll mask shall be left blank.

(c) In the remarks section, a notation will be entered indicating the docket number of the court case and the words court excusal.

Teletype bulletins need not be sent when an employee is excused from duty.

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Overtime Payment Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages or by the allowance of accrual of flex time off. In order to qualify for either, the employee must complete and submit a request for overtime payment as soon as practicable after overtime is worked.

1038.2 POLICY

All overtime hours worked by employees of the New Orleans Police Department shall be documented in the TRIP payroll system.

Employees of the New Orleans Police Department may be permitted to work paid overtime outside their permanent assignment.

Employees who are suspended, sick, injured on duty, on annual leave, or being carried in a non-working pay capacity shall not be permitted to earn paid overtime, except for mandatory court appearances.

No employee, including Reserve officers, shall work more than 16 hours within a 24-hour period (the 24-hour period begins the first time the employee reports for either regular duty or secondary employment allowing for a minimum of eight hours of rest within each 24-hour period). These hours are cumulative and include normal scheduled work hours, overtime, off-duty secondary employment, and outside employment. If an employee works over the sixteen hour limit, for reasons beyond his/her control (i.e., regularly scheduled duty hours coupled with a mandatory court overtime appearance), the employee shall submit a Form 105 via the chain of command to the Superintendent or his/her designee explaining why he/she worked over the 16-hour limit.

Scheduled off-duty secondary employment opportunities or outside employment that could have been adjusted shall not be considered as a valid reason to exceed the 16-hour work limitation. Exceptions to the 16-hour limit may be authorized in advance by the Superintendent of Police or his/her designee in situations involving a declared state of emergency or security concerns over the availability of personnel for coverage related to a major special event.

An employee's work hours are limited as follows:

(a) Employees shall not work more than 16 hours in a day.

(b) Employees shall not work more than 24 hours of overtime per week, Sunday through Saturday.

(c) Up to 32 hours of overtime may be worked per week with the permission of the employee's deputy superintendent.

1038.3 REQUEST FOR OVERTIME FORMS

Employees desiring to work paid overtime in an assignment other than their permanent assignment shall complete a Request to Work in Unit Other than Permanently Assigned Unit (Form 90) and obtain the approval of their Immediate Supervisor, or the on duty Platoon Commander in their permanent assignment, and their Commanding Officer. Approval shall be obtained on each separate occasion the employee desires to work overtime outside

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their assignment except when employees are engage in the following activities and the conditions and duration of the assignment are listed on the Form 90:

(a) Task force operations, or

(b) Other regularly scheduled overtime (code 25, Gaming, etc.)

1038.3.1 EMPLOYEE RESPONSIBILITY

Employees shall complete and submit all payroll and overtime request forms promptly.

1038.4 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status.

1038.4.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

Time Worked	TRIP System Entry
Up to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

1038.4.2 J AND T TIME

When unscheduled hours are worked by members of the department on a regularly scheduled work day (with the exception of mandatory court overtime), the unit of assignment shall enter the unscheduled hours worked in the trip system under status code J , along with charge code 02 and the appropriate shift code.

T time shall be entered to off-set the unscheduled J time entered. T time hours are one for one (i.e., an employee works 2 hours of unscheduled overtime, the employee shall take 2 hours off.). Charge code 01 shall be the only charge code used when an employee is carried in status code T .

Members shall be scheduled equal hours off (one for one) within the two week pay period. If an employee works unscheduled hours in week one of the pay period on a regularly scheduled work day, the employee must be given equivalent hours of time off prior to the last regularly scheduled work day of week two of the same pay period.

If the unscheduled hours are worked in the second week of the pay period on a regularly scheduled work day, then the time off must be given to the employee prior to the employee's last scheduled regular working day of that pay period.

An employee having to work unscheduled hours on the last regularly scheduled work day of the two-week payroll cycle, the employee shall be carried W-02 for all such hours worked.

Employees cannot work J time on an AWP day (scheduled day off). J time can only be worked on a regularly scheduled working day.

EXAMPLES:

(a) An employee works 2 hours of unscheduled overtime on a regularly scheduled work day prior to his/her last regularly scheduled work day of the two-week payroll cycle

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shall be carried J time for those 2 hours. This same employee shall take 2 hours off (T -01) within any regularly scheduled work day prior end of the two-week cycle.

J Time
7:25am - 4:00pm W 01 1
4:00pm - 6:00pm J 02 2
T Time
7:25am - 2:00pm W 01 1
2:00pm - 4:00pm T 01 1

(b) An employee works 2 hours of unscheduled overtime on his/her last regularly schedule work day of the two-week payroll cycle shall be carried W-02 .

1038.4.3 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Platoon Commander or other approving supervisor may require each employee to include the reason for the variation on the entry.

1038.5 OVERTIME DURING EMERGENCY EVENT

All grants related overtime and special assignment overtime will be suspended during an emergency event. Any overtime worked outside the emergency event must be approved by the Superintendent

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Outside Employment

1040.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Superintendent of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Superintendent of Police in accordance with the provisions of this policy.

The department may impose conditions on outside employment. Determination of the degree of limitation will be based upon the interest of the department and ensure that the department receives full and faithful services in return for its expenditure of resources.

1040.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of the Department by another individual, business, establishment, or organization, or on a self-employed basis, where the member is privately paid and is performing duties of a non-police function (*e.g. - Accountant; Lifeguard; Attorney; Real Estate Agent; Sales Representative; etc*). Due to the nature of outside employment services which may be authorized under this policy, any request to carry a weapon while working in an outside employment capacity must be approved in advance by the Superintendent of Police.

An officer's employment status while on a paid detail/secondary employment assignment is not outside employment for the purposes of this policy. Such employment is governed by the Secondary Employment Policy and applicable law.

Short term outside employment - Outside employment that is worked on a non-recurring schedule for the same employer.

Permanent outside employment - Outside employment that is worked on a recurring schedule for the same employer.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Superintendent of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Authorization Form (Form #22), attaching a printout of their attendance record for the previous 12 months, that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Superintendent of Police for consideration and final approval. Members will not be allowed to work the requested outside employment until final approval of the Superintendent of Police has been given. There are no exemptions from this requirement.

Each reviewing authority in the requesting member's chain of command shall consider the following when reviewing an Outside Employment Authorization form:

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(a) The nature of the outside employment requested;

(b) Any potential conflicts as outlined in this policy;

(c) The occupation and duties the member will engage in;

(d) The member's overall attendance record for the previous 12 months. All sick leave usage will be considered, including those instances which were documented.

(e) The member's performance; and

(f) The member's disciplinary record.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid for one year and shall be renewed each year in the month of the member's birth. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

In instances where a reviewing authority disapproves an Outside Employment Authorization Request, he/she shall note the reasons for disapproval (e.g., poor attendance, poor performance, disciplinary problems) on an Interoffice Correspondence (Form #105). The Interoffice Correspondence shall be attached to the Outside Employment Authorization Request and continue routing the request through the chain of command for final approval/disapproval by the Superintendent of Police.

A copy of the disapproval, along with a copy of the Interoffice Correspondence listing the reason(s) for disapproval, shall be forwarded to the requesting member by the supervisory officer disapproving the request. The member will have the option of submitting an Interoffice Correspondence in response to the disapproval to the Superintendent of Police and shall contain signature spaces with the designation CONCUR / DO NOT CONCUR for the appropriate personnel in the chain of command.

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Superintendent of Police within 10 days of the date of denial.

1040.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Superintendent of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in

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force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or the City.

1040.3 GENERAL INFORMATION

The nature of the law enforcement task requires Department employees to have the ability to work irregular schedules which are subject to change in meeting deployment needs. Additionally, it is necessary that employees have adequate rest to be alert during their tours of duty. For these reasons, and because certain activities are inherently incompatible with an employee's primary responsibility to the Department, the Department may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the Department and ensure that the Department receives full and faithful services in return for its expenditure of resources.

Outside employment shall not interfere with the member's performance of duty. While working outside employment, members shall conform to all departmental policies, procedures, rules and order.

Members shall not perform or engage in outside employment during their regular tour of duty.

Members shall not work outside employment that would render the performance of their duties to the department below minimum standards or render the member unavailable for reasonably anticipated overtime assignments.

No employee, including Reserve officers, shall work more than 16 hours within a 24-hour period (the 24-hour period begins the first time the employee reports for either regular duty or secondary employment allowing for a minimum of eight hours of rest within each 24-hour period) These hours are cumulative and include normal scheduled work hours, overtime, off-duty secondary employment, and outside employment.

1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside employment as a private security guard, private investigator or other similar private security position.

No officer may engage in outside employment as a law enforcement officer for any other public agency without prior written authorization of the Superintendent of Police.

1040.3.2 RESTRICTED OUTSIDE EMPLOYMENT

Members shall not work in the following occupations as outside employment:

(a) Any occupation where a conflict of interest with the City of New Orleans or the New Orleans Police Department can reasonably be demonstrated;

(b) Bartenders, cocktail waiters or waitresses;

(c) Doormen, bouncers, barkers, or ticket takers;

(d) Bail or bonding companies, or agents for same (Bounty Hunters); or

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(e) Collection agents for any private person or entity.

(f) Any facet of land-based or river boat casino style gaming as listed below:

1. No member shall work as a shuttle operator for any location owned or leased by a casino consortium;
2. No member shall provide security for patrons attending or departing a gaming establishment;
3. No member shall engage in outside employment where their duties include supervising casino employees, managing casino employees, background investigations of casino employees, or providing private security for any gaming establishment; or
4. No member shall engage in outside employment as a dealer, croupier or other such employment in any gaming establishment.

(g) Any facet of the Electronic Gaming Industry as listed below:

1. Employment as a wholesale/retail technician who repairs, delivers, installs, or in any manner services video poker machines, slot machines, or any other electronic gaming industry machines or equipment.
2. Employment in any manner as a security officer for the wholesale/retail, repair or servicing divisions of the Electronic Gaming Industry;
3. Employment as a wholesale/retail route agent responsible for the collection of monies generated by electronic gaming machines;
4. Employment as a wholesale/retail route agent responsible for selling electronic gaming equipment, or any other facet for the sole purpose of providing security for wholesale/retail electronic gaming machines or equipment.

Members who are qualified as an Expert Witness shall not engage in employment in any proceeding involving an official New Orleans Police Department report in Criminal District Court, Traffic Court or Municipal Court, or when the City of New Orleans is an adverse party in a Civil Suit and such employment would create a conflict of interest. Situations raising a question of a potential conflict of interest will be resolved by the Superintendent of Police.

1040.3.3 TRAINING AND HANDLING OF CANINES - OUTSIDE EMPLOYMENT

Members engaging in the training and handling of canines as outside employment are subject to the following restrictions:

(a) Members shall not use, nor allow to be used, any equipment belonging to the New Orleans Police Department. This shall include, but shall not be limited to, department canines and all dogs authorized to be used as NOPD canines, and those owned by members and trained on department time).

(b) No department canine shall be used for stud services; and

(c) Members shall not use, nor allow others to use, their positions as members of the New Orleans Police Department as a selling point for the procurement of business.

1040.3.4 ATTORNEYS - OUTSIDE EMPLOYMENT

Members who are attorneys are permitted to practice law subject to the following restrictions:

(a) No licensed attorney who is a member of the New Orleans Police Department shall be permitted to represent any person in criminal proceedings which were instituted by or on behalf of the City of New Orleans or the New Orleans Police Department.

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(b) No licensed attorney who is a member of the Department shall represent any individual in any cause of action which was the subject of any official New Orleans Police Department report, including Administrative Reports.

(c) No licensed attorney who is a member of the Department shall represent any individual, corporation, partnership, association or other entity in any civil litigation in which the City of New Orleans or the New Orleans Police Department is an adverse party.

(d) No licensed attorney who is a member of the Department shall illegally compensate any person for having referred any cause of action to that member.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Superintendent of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Superintendent of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

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SECONDARY EMPLOYMENT

1041.1 PURPOSE AND SCOPE

The purpose of this directive is to establish departmental policy and procedures regarding secondary employment (previously referenced as "paid details").

1041.2 POLICY

It shall be the policy of the New Orleans Police Department to afford members in good standing the ability to supplement their income by engaging in authorized secondary employment as assigned through the City's Office of Police Secondary Employment ("*OPSE*"). Members providing secondary employment services to an individual or business shall be governed by those policies and procedures established by both NOPD and OPSE as it relates to their employment. Permission to work secondary employment is not an inherent right; but rather a **privilege** that can be granted at the discretion of the department to those commissioned police officers and certain non-commissioned employees who maintain high professional standards. Any attempt to circumvent or circumventing the requirements of this policy governing secondary employment or procedures established by the OPSE shall subject officers to discipline as warranted, up to and including dismissal.

Employees or Reserve members working secondary employment do so as representatives of the New Orleans Police Department. Since public perception, moral character, and public associations are affected by the overall professional appearance of its' members, it shall be the policy of the Superintendent of Police to require all secondary employment coordinated through the OPSE be reviewed and approved by his office for appropriateness. All members shall be subject to recall at any time for emergencies, special assignment and/or overtime duty.

1041.3 DEFINITIONS

Availability List: Any list(s) established and maintained by the Office of Police Secondary Employment that contains the names, phone numbers, and available times of NOPD members who volunteer for off-duty employment.

Customer Representative: The person duly designated by the customer to be his or her on-site representative for the purpose of communicating and, as appropriate, directing the operational employment of hired officers to achieve the customer's security objectives.

OPSE Control Number: Administrative number provided by the Office of Police Secondary Employment.

Reviewing Authority: The supervisors in the member's chain of command who are required to approve or disapprove a member's Secondary Employment Agreement and Authorization Form (*OPSE/NOPD Form Per-1*).

Revocation: Cancelling or withdrawing previously approved Secondary Employment Agreement and Authorization.

Secondary Employment: The off-duty employment, for compensation, of any department member by another individual, business, establishment, or organization where the member is performing the duties of a police officer or a function of the police department. For the purpose of this policy, compensation means the total amount of monetary and non-monetary pay, however slight the value, whether tangible or intangible, provided to a member of the NOPD or a third party intermediary on the NOPD member's behalf by an employer or the employer's proxy in return for work performed as required.

Split Shift: For the purposes of secondary employment, the term 'split shift' refers to an interruption of scheduled regular duty hours with the use of annual leave and returning to regular duty status within the same scheduled shift to complete a tour of duty.

1041.4 GENERAL

The City of New Orleans has established an Office of Police Secondary Employment ("*OPSE*") to independently administer and manage secondary employment. OPSE shall be this agency's sole contact source responsible for coordinating all elements and services relating to secondary employment assignments. An individual or business representative contacting an NOPD member directly for the purposes of establishing a secondary employment service shall be referred by the contacted officer to OPSE for assistance. Secondary Employment opportunities shall be assigned and distributed as equitably as possible through procedures established by OPSE. **NOPD commissioned employees, civilian employees or reserve members shall not individually or cooperatively coordinate secondary employment opportunities**.

New Orleans Police Department members shall only work secondary employment assignments coordinated through the OPSE. NOPD members interested in working secondary employment assignments must:

a) Complete *OPSE/NOPD Form Per-1 / Secondary Employment Agreement and Authorization*. All NOPD members must complete form *Per-1* in order to be considered for a secondary employment opportunity. Registration shall remain valid for one (1) calendar year from the date the form is processed by OPSE;
b) Comply with procedures described in this regulation associated with secondary employment tracking, to include obtaining an item number, reporting location, and secondary employment logging procedures;
c) Follow OPSE procedures to accurately record the hours worked by each secondary employment member. Any forms designed for this purpose must be signed by both the employer and secondary employment member. NOPD members may not sign for anyone but themselves;
d) Agree to work the hours specified by the OPSE. Members are expected to arrive on time and leave only when properly relieved by the OPSE coordinator or operations manager, dismissed by the employer, or if ordered by a supervisor. NOPD members shall not establish their own hours;
e) Comply with payroll procedures as established by the OPSE.

The **NOPD Compliance Section** shall serve as direct liaison between NOPD and the OPSE. Only those members registered with the Compliance Section shall be eligible for secondary

employment assignments through OPSE. Once registered, it is the responsibility of individual member to notify both the NOPD Compliance Section and Office of Police Secondary Employment regarding any changes in assignment status, contact information, etc.

OPSE shall be responsible for coordinating the selection of NOPD members used to fill secondary employment openings. OPSE shall maintain an availability list containing the names, phone numbers, and available times of employees who have indicated an interest in working secondary employment as provided through the NOPD Compliance Section. **Department members are prohibited from contacting the OPSE directly to request specific secondary employment assignments.**

The collection of all fees associated with an individual or business entity contracting secondary employment services shall be managed by OPSE.

NOPD members working secondary employment assignments shall receive compensation for their service through payroll procedures administered by OPSE. **NOPD members are not authorized to accept compensation from any individual or business entity contracting secondary employment services, except as arranged by and processed through the Office of Police Secondary Employment, in accordance with Louisiana Code of Governmental Ethics.**

Although all secondary employment worked by members are coordinated through OPSE, the Superintendent of Police, or his designee, reserves the right to review all secondary employment assignments coordinated through OPSE for suitability, conflicts of interest, and other considerations where the presence of a department member may not be appropriate.

Decommissioned, restricted commissioned, or suspended members, cannot accept or engage in secondary employment.

Regardless of any scheduled secondary employment assignment coordinated through OPSE, members shall not engage in a secondary employment assignment while absent in the following status: sick; Injured on Duty (I.O.D.); Workmen's Compensation; Maternity Leave; Leave Without Pay (LWOP); or Suspended or under Administrative Reassignment with a restricted police commission. Members must return to full duty status and have completed a full tour of duty prior to working a secondary employment opportunity.

Should a member working a secondary employment assignment be required to leave a secondary employment location before the scheduled end time based on exigent circumstances, the secondary employment member shall be responsible for notifying OPSE as to the reason and exact time he/she left the assignment. If OPSE indicates they will be unable to staff a replacement for the secondary employment position for the remainder of the assignment, the member shall contact a supervisor from the district where the assignment is being worked to request assistance with additional patrols or coverage, as calls for service permit. Members should be cognizant of their normal work schedule and court commitments when accepting secondary employment assignments through OPSE.

Policy 1041 - Secondary Employment

Only a P.O.S.T. certified commissioned member who has successfully completed his/her F.T.O. training and has achieved permanent status as Civil Service "Police Officer I" may work police related secondary employment assignments unsupervised.

a) P.O.S.T. certified commissioned members have who completed F.T.O. training, but have not obtained the permanent status of Civil Service "Police Officer I", may work secondary employment if supervised by a ranking officer at the grade of sergeant or above.\
b) P.O.S.T. certified commissioned members hired as lateral transfers successfully completing F.T.O. training may work authorized secondary employment unsupervised.

Commissioned 'Reserve' officers are allowed to register for and work secondary employment assignments through the OPSE. However, the following limitations and restrictions shall apply to all Reserve members:

a) Plain clothes secondary employment coordinated through the OPSE must be approved by the Superintendent of Police or his designee prior to allowing any Reserve member to work a secondary employment assignment in plain clothes.
b) Reserve officers shall not work secondary employment for their current employer.
c) Reserve officers shall not work secondary employment during the first year after graduation from the Reserve Police Academy.
d) Reserve officers who volunteer a minimum of thirty-six (36) hours in a calendar month are eligible to work a maximum of twenty-eight (28) hours of secondary employment in the following calendar month. (For example, a reserve officer who volunteers 36 hours in August will be eligible to work a maximum of 28 hours of secondary employment in September.)
e) Reserve officers who volunteer a minimum of forty (40) hours in a calendar month will be eligible to work a maximum of thirty-two (32) hours of secondary employment the following calendar month.
f) Reserve officers shall follow the same OPSE agreement and authorization procedure as established for full-time employees of the Department (*OPSE/NOPD Form Per-1*). The Secondary Employment Agreement and Authorization Form shall be submitted to the Commander of the Reserve Division for approval and forwarding through the chain of command.
g) Reserve officers shall attach a copy of their monthly time report to *OPSE/NOPD Form Per-1*.
h) Reserve officers shall follow all policies and procedures of the New Orleans Police Department and the Reserve Division while working secondary employment.
i) Reserve officers are prohibited from coordinating secondary employment for any member of the department, either regular or reserve. Reserve officers are also prohibited from individually or cooperatively coordinating secondary employment and from collecting fees for secondary employment except as managed by through OPSE.

Members authorized to work secondary employment may perform or engage in authorized assignments only during the hours they would normally be off-duty. Members may accept and work a secondary employment opportunity on an authorized leave day.

Members are authorized to work secondary employment only in Orleans Parish, with the specific exception of members working traffic escorts coordinated and assigned by OPSE.

Policy 1041 - Secondary Employment

While working secondary employment, members shall be governed by uniform policies and procedures, which include, but are not limited to:

a) Members working a uniformed assignment will be attired in the full Class A or B winter/summer uniform and armed with an authorized weapon. The secondary employment member will conform to all department policies and procedures governing uniforms and appearance.
b) Members are ***not*** authorized to work secondary employment assignment in the Task Force uniform.
c) Plain clothes secondary employment assignments coordinated through the OPSE must be approved by the Superintendent of Police or his designee prior to allowing any member to work an assignment in plain clothes.
d) Members working secondary employment assignments involving traffic control or as otherwise directed by a supervisor shall wear his/her traffic control vest while performing these duties.
e) Civilian members working secondary employment shall be attired in their uniform of the day as directed by a supervisor.

Secondary employment by NOPD personnel will be limited to a maximum of twenty-four (24) hours per seven day work week (Sunday through Saturday). Exceptions to the hour limitation may be granted for major special events where manpower requirements are so intensive that sufficient resources may not be available for the safe operation of the event (e.g. – Jazz Fest, Mardi Gras, etc.). Application for such an event exception will be made in advance via interoffice correspondence (NOPD Form 105) by a member or event commander which estimates the number hours a member may exceed the maximum threshold and forwarded through appropriate chain of command for final approval by the Superintendent of Police. Assignments in excess of the 24 hour limitation cannot be worked until the exception is pre-approved by the Superintendent.

No member, including Reserves, shall work more than sixteen (16) hours within a 24-hour period. (The 24-period begins the first time the member reports for either regular duty or secondary employment, after his/her eight (8) hour minimum rest period.) These hours are cumulative and include normal scheduled work hours, overtime, off-duty secondary employment, or outside employment.

A commissioned member working a secondary employment assignment shall be responsible for conducting any police investigation, excluding traffic accidents, within the boundaries of the assignment area, including parking lots and exterior areas, and will be responsible for writing all reports unless the investigation is of such magnitude as to substantially remove the member from the assignment area or would significantly curtail their duties. A supervisor from the district of the secondary employment assignment shall ordinary make this determination. Field Operations Bureau officers shall assist in the transportation of arrested subjects for members working a secondary employment assignment.

a) If the member is assigned a unique radio call number, the member will use that number as the primary car number for the secondary employment item number. If the member does not have a unique radio call number, he/she will use his/her badge number as their radio call

number and give the dispatcher his/her name and place of assignment for entry under the item number compliant history.

b) Members will submit a written incident report in connection with a secondary employment assignment through his/her normal supervisory chain of command. All reports, including state arrest reports, are processed through the member's regular place of assignment, including the receipt of the report to the District Attorney's Office. The approving supervisor shall forward a copy of the approved report to the commander of the district where the incident occurred within seventy-two (72) hours of the incident.

c) When a member working an authorized assignment is required to investigate an incident classified as a UCR crime, the member will immediately notify the on-duty supervisor in the district of occurrence by radio or by telephone to brief the supervisor regarding the circumstances involving the incident.

d) Department vehicles, when authorized for road construction or other traffic assignments, shall be used to enhance safety and visibility in or around the secondary assignment area. Vehicles shall supplement and not replace dismounted traffic control responsibilities.

1041.5 INSTRUCTIONS

1041.5.1 Requesting Member

Any member interested in working secondary employment must first register with the Office of Police Secondary Employment by completing a "**Secondary Employment Agreement and Authorization Form**" (*OPSE/NOPD Form Per-1)* in accordance with listed instructions.

The member shall submit a signed and dated copy of *OPSE/NOPD Form Per-1*, along with a copy of the member's attendance record for the previous twelve (12) months, through their chain of command for final approval by the Superintendent of Police, or his designee.

1041.5.2 Supervisor Review

It is the responsibility of the member's immediate supervisor, District or Division Commander and Bureau Deputy Superintendent to ensure *OPSE/NOPD Form Per-1* is correctly and accurately completed. Each reviewing supervisor in the requesting member's chain of command shall consider the following when reviewing the Secondary Employment Agreement and Authorization Form:

a) The thoroughness and accuracy of employee information entered under the *Personal Information, Contact Information* and *Work Information* sections of the form;

b) The thoroughness and accuracy of entries related to *Certifications* (**NOTE:** If the requesting member is a "Police Officer 1", each reviewing authority shall confirm the requesting member achieved permanent "Police Officer 1" status. All members of "Police Officer 1" rank are required to complete the "Date Off FTO" section listed under *Certifications*);

c) The member has '***initialed'*** all relevant acknowledgements;

d) The form has been signed and dated by the member;

e) The requesting member's overall attendance record over the previous twelve (12) months. All sick leave usage is considered, including those instances which are documented; and

f) **The requesting member's overall work performance, including productivity and disciplinary record.**

If a reviewing supervisor does not approve an *OPSE/NOPD Form Per-1*, he/she shall note the reason(s) for disapproval (such as poor attendance record, poor performance, disciplinary

problems, etc.) on the form and continue routing through the chain of command for final consideration by the Superintendent of Police. A copy of the disapproved form shall be forwarded to the requesting member and the NOPD Compliance Section by the supervisor not approving the request, including the reason(s) for disapproval. The member has the option of appealing the disapproved request using the procedure outlined in this policy.

The Superintendent's Office shall forward the completed Secondary Employment Agreement and Authorization Form *(OPSE/NOPD Form Per-1)* to the NOPD Compliance Section. The Compliance Section shall file the original form and forward copies to both OPSE and the member's Deputy Superintendent. The member's Deputy Superintendent shall distribute a copy of the form as follows:

a) Member's Commanding Officer for filing in the member's personnel file; and
b) Requesting member.

Immediate supervisors and Division/District Commanders are responsible for conducting periodic performance reviews of a member under their command who has been previously approved to work secondary employment as assigned through OPSE. The purpose of this review is to assess the member's suitability to continue to work secondary employment assignments during the one (1) calendar year edibility period granted under the OPSE registration process. The performance review shall include assessments of sick usage (both documented and undocumented), overall attendance record, disciplinary actions, and employee evaluation records.

1041.5.3 Revocation
A previous authorization to work secondary employment through OPSE may be revoked at any time by the member's immediate supervisor, Division/District Commander, Deputy Superintendent, or the Superintendent of Police. The supervisor electing to revoke a previous authorization shall immediate notify the NOPD Compliance Section of their intent. The Compliance Section shall in turn notify OPSE that the effected member is to be removed from their secondary employment eligibility list until further notice.

a) In the case of such revocation, the member shall:

    1) Immediately be provided verbal notice by a supervisor that the member's secondary employment privilege has been revoked and the reason for this action;
    2) Be provided written notice by a supervisor as to the reasons(s) for the revocation within seven (7) days of the revocation via interoffice correspondence (NOPD Form 105);
    3) Sign the NOPD Form 105 acknowledging its contents.

b) The signed form shall be forwarded to the Compliance Section via the chain of command. A copy of the NOPD Form 105 shall be sent to each reviewing authority listed on the Secondary Employment Agreement and Authorization Form (*OPSE/NOPD Form Per-1*).
c) The revocation becomes effective immediately upon verbal notification. The member has the option of appealing a revocation order using the procedure outlined in this policy.
d) Additionally, a member may be relieved of his/her position during the course of the secondary employment assignment by any ranking member if the member is performing duties contrary to the guidelines set forth in this policy or the member appears unfit to

perform said duties. Any supervisor initiating such action shall immediately contact the Compliance Section for instructions and/or assistance.

1041.5.4 Appeals
To seek reconsideration of a secondary employment disapproval or revocation, the effected member may appeal the decision in writing directly to the Superintendent of Police. In order to be considered, written appeals must be made within ten (10) days of the date of notice of disapproval or revocation. The Superintendent of Police is the final arbiter of an appeal.

1041.6 SECONDARY EMPLOYMENT TRACKING / LOGGING PROCEDURES

All NOPD members working an authorized secondary employment shall, within thirty (30) minutes of the start of the assignment, call (504) 671-3680 in order to provide NOPD Communications with:

a) Secondary employment location;
b) His/her name;
c) Badge number
d) NOPD Employee ID Number *(Located on Commission);*
e) Secondary employment phone number (If a phone number is not available, the officer must advise the operator which radio dispatch or special event channel he/she will be monitoring for the duration of the assignment); and
f) Estimated end time of the secondary employment assignment.

All NOPD members working an authorized secondary employment assignment shall, within thirty (30) minutes following the end of the assignment, call NOPD Communications at (504) 671-3680 to provide the operator with original item number assigned and close the item.

The Communications Operator shall be responsible for:

a) Generating a 'secondary employment' item number and providing the NOPD member with the item number. (Members **shall not** contact the dispatcher or Command Desk via radio to generate a secondary employment item number or be authorized to generate his/her own assignment item number via the MDT system.)
b) Holding the secondary employment item number in a 'pending' status until the last NOPD member working at the assignment location calls (504) 671-3680 and closes the item.

Communication notification requirements specified in the previous paragraphs shall be made in accordance with the following staffing guidelines:

a) If a ranking supervisor is working the secondary employment assignment, notification requirements previously specified will be made by the highest ranking supervisor. The supervisor shall provide Communications with the necessary information for all members working the assignment.
b) If there is no ranking supervisor working the secondary employment assignment, notifications will be made by the most senior officer. Seniority is determined by the officer's rank (i.e.: PO I; II; III; IV) then by years of service. The senior officer shall notify everyone working the assignment of the item number.

c) The reporting of secondary employment requiring five (5) or more officers will be made by the most senior ranking supervisor working the assignment. The supervisor will supply his/her information as required above and provide Communications with only the total number of officers working the assignment.

It will be the responsibility of each officer working secondary employment to record their assignment via the 'NOPD Applications' website page under the 'Paid Detail Log' tab. Members shall complete this entry **WITHIN THE FIRST HOUR OF THEIR NEXT TOUR OF DUTY**, unless a delay is authorized by a supervisor due to exigent circumstances.

However, log requirements shall be completed prior to the conclusion of the member's tour of duty. A ***minimum 15 minute*** time frame must be allowed for travel to and from secondary employment assignments.

District supervisors and Integrity Control Officers shall make themselves aware of the locations of active secondary employment assignments their respective districts and will conduct in person inspections of secondary employment sites based upon the frequency worked. Observed violations shall be communicated to the OPSE coordinator or operations manager and handled in accordance with established disciplinary procedures. Supervisors who receive a citizen complaint regarding a member's performance while working a secondary employment assignment shall contact the Compliance Section for assistance and shall notify the OPSE coordinator or operations manager.

1041.7 SECONDARY EMPLOYMENT MINIMUM SUPERVISORY REQUIREMENTS

The minimum supervisory requirements for secondary employment assignments are:

a) Secondary employment requiring the simultaneous or overlapping schedule of one (1) officer up to four (4) officers may be worked without a ranking officer, with the most senior officer accepting responsibility for the assignment related notifications.
b) Secondary employment requiring the simultaneous or overlapping schedule of five (5) to nine (9) officers shall have at least one (1) ranking officer of at least the grade of sergeant or lieutenant.
c) Secondary employment requiring the simultaneous or overlapping schedule of ten (10) to fourteen (14) officers shall have at least two (2) ranking officers of at least the grade of sergeant or lieutenant.
d) Secondary employment requiring the simultaneous or overlapping schedule of fifteen (15) to nineteen (19) officers shall have at least two (2) ranking officers of at least the grade of sergeant and one (1) supervisor of at least the grade of lieutenant.
e) Secondary employment requiring the simultaneous or overlapping schedule of twenty (20) to twenty-four (24) officers shall have at least three (3) ranking officers of at least the grade of sergeant and one (1) supervisor of at least the grade of lieutenant.
f) Secondary employment requiring the simultaneous or overlapping schedule of twenty-five (25) to twenty-nine (29) officers shall have at least three (3) ranking officers of at least the grade of sergeant and two (2) supervisors of at least the grade of lieutenant.
g) Secondary employment requiring the simultaneous or overlapping schedule of thirty (30) officers or more shall have supervisory coverage in addition to that specified above based on the following graduated scale:

1) One sergeant or above for every five (5) members;
2) One lieutenant or above for every two (2) sergeants;
3) One captain or above for every three (3) lieutenants.

Sergeants and Lieutenants are allowed to back-fill police officer positions; however, those supervisors electing to fill such a vacancy would be eligible for compensation at the hourly rate approved for the police officer position. Police Commanders, Majors and Captains shall only be allowed to fill open vacancies at a staffing level equivalent to a supervisor position; however, these senior supervisors electing to fill such a vacancy would be eligible for compensation at the hourly rate approved by the supervisor position.

1041.8 COMPLAINTS / UNSATISFACTORY PERFORMANCE

Complaints received by the OPSE from a secondary employment assignment employer relative to the unsatisfactory performance of a NOPD member working an assignment shall be referred by the OPSE to the NOPD Compliance Office for preliminary investigation to determine if the employee has committed a violation of departmental policy or procedure.

a) If warranted, corrective/disciplinary action may be taken by the Compliance Office, or the information may be turned over to the member's District/Division Commander or Public Integrity Bureau, as appropriate, for additional investigation in accordance with established procedures.
b) Information related to such complaints shall be recorded and maintained by the Compliance Section and Public Integrity Bureau.
c) All conversations and actions between the OPSE and the secondary employment assignment employer registering a complaint shall be documented by a supervisor assigned to investigate the complaint.
d) The NOPD Compliance Section shall periodically update to the Director of the OPSE as to the progress or final status of complaint investigations involving secondary employment assignments.

An on-duty supervisor performing inspection at a secondary employment site shall take appropriate disciplinary action for any departmental violation involving a secondary employment member's performance. Should the supervisor believe the violation warrants the immediate removal of the member from the assignment; the supervisor shall contact the NOPD Compliance Section to determine the appropriate course of action. Whenever it becomes necessary to relieve a secondary employment member from assignment, a supervisor from the Compliance Section shall contact the OPSE to notify them of the action being taken and the exact time the member was relieved. If the OPSE is unable to staff a replacement for the duration of the assignment, a Compliance Section supervisor shall contact a supervisor from the district where the assignment is being worked to request assistance with additional patrols or coverage, as calls for service permit.

Should an on-scene inspection of a secondary employment site reveal the nature of the assignment or business being conducted at the location is contrary to established guidelines; the supervisor conducting the inspection shall immediately notify the NOPD Compliance Section. The Commander of the Compliance Section shall assist in making a determination as to whether or not the assignment conforms to department standards. If it is determined that the

assignment does not conform, the Compliance Section shall immediately notify the OPSE that the secondary employment assignment is being suspended and that no additional NOPD members shall be allowed to work the assignment pending a formal review.

1041.9 USE OF DEPARTMENTAL VEHICLES FOR SECONDARY EMPLOYMENT

The Office of Police Secondary Employment must approve any use of a departmental vehicle or other specialized equipment being used in the course of a secondary employment assignment. Department vehicles shall be provided only to perform a practical service associated with the specific assignment, not for the "***comfort***" of the member.

NOPD Management Services Bureau's Fleet & Equipment Services Section shall be responsible for establishing a system for coordinating the availability of vehicles for secondary employment assignments as authorized for use through OPSE. Vehicles will only be assigned to members if required in the course of providing assignment support services, <u>not simply for the convenience of traveling to and from assignments</u>.

Members who are assigned an authorized take-home vehicle in accordance with C.A.O. Policy Memorandum No. 5(R) shall record their vehicle information on *OPSE/NOPD Form Per-1* where indicated and may use their vehicle in support of secondary employment services when approved by the OPSE. Unmarked vehicles **<u>shall not</u>** be used for secondary employment traffic escort assignments.

NOPD employees shall be responsible for the proper care and maintenance of all equipment issued or assigned to them and shall exercise all due precautions to prevent theft, loss, or damage.

1041.10 RESTRICTIONS

NOPD employees shall not be permitted to select substitutes or allow another employee to work an assigned secondary employment position in place of the employee scheduled by the OPSE.

Members of the New Orleans Police Department are prohibited from participating in the solicitation or coercion and the individual coordination of secondary employment opportunities.

Department members are prohibited from knowingly participating in, or soliciting the creation of, any corporation, company, trust, fund, or cooperative banking account for the purpose of billing, receiving compensation, or coordinating the services of secondary employment.

NOPD members shall not be authorized to provide secondary employment services for City agencies or any of its political subdivisions. Departments or agencies requiring police service enhancements shall be covered under 'City Rolls' assignment or approved overtime reimbursement.

No employee working secondary employment assignment can supervisor another employee of higher rank.

Policy 1041 - Secondary Employment

Members are not permitted to engage in secondary employment inside a bar, lounge, alcoholic beverage outlet (ABO), and establishments where the primary source of revenue is derived from the sale of alcoholic beverages consumed on the premises.

Members shall not work an assignment that will interrupt or occur during the employees assigned on-duty NOPD shift. In order to avoid any disruption in regularly scheduled police services, members are prohibited from accepting secondary employment assignments that would require a split shift.

Members shall not work for a company or business which provides private guard services, brokers, or individuals who profit from the services of a secondary employment member.

Members are not authorized to perform the below listed types of secondary employment:

a) Any employment where a conflict of interest with the City can reasonably be demonstrated, which include, but are not limited to, Psychological Stress Evaluation, Computerized Voice Stress Analysis, and Polygraph examinations;
b) Private investigators;
c) Bartenders, cocktail waiters or waitresses;
d) Doormen, bouncers, barkers, or ticket takers;
e) Bail bond or bonding companies, or agents for same (bounty hunters);
f) Collection agent for any person or entity; or
g) Courier for the transportation of cash, receipts, or deposits for individuals or entities;
h) Chauffer services; except where chauffer services to public officials, executives or celebrities is secondary to a primary purpose of security. Notwithstanding the foregoing prohibition, motorcycle escorts for chauffer services and limousines is permitted;
i) Security at “sexually oriented” businesses;
j) Employment requiring that the employee act as a civil process server; and
k) Security at pawn shops

NOPD employees are prohibited from working secondary employment that conflicts with the employee’s NOPD duties and ethical obligations. Prohibitions include:

a) Representing anyone before any court or agency of the City of New Orleans, with or without compensation, on a matter in which the City of New Orleans is a party or has a substantial interest;
b) Serving as an expert witness in his or her private capacity in any civil or criminal proceeding in which the City of New Orleans is a party or has a substantial interest;
c) Working secondary employment during court hours while the employee is under a conflicting subpoena;
d) Disclosing confidential information acquired in an official capacity to any secondary employer;
e) Using on-duty time to conduct investigations or take other law enforcement action on behalf of a secondary employer, where there would be an actual conflict of interest or appearance of a conflict of interest.

Policy 1041 - Secondary Employment

Members of the New Orleans Police Department are prohibited from working secondary employment or outside employment in any facet of land-based or river boat casino-type gaming establishment without prior approval of the Superintendent of Police including but not limited to:

a) parking lots and or shuttle locations owned or leased by any casino or gaming consortium; or
b) providing security for patrons attending or department land based or river boat gaming establishments.

Members of the New Orleans Police Department are prohibited from working secondary employment or outside employment in any facet of the electronic and/or video poker industry, including maintenance or servicing video poker machines, without prior approval of the Superintendent of Police.

NOPD employees working secondary employment are not permitted to receive any compensation, either cash or in-kind, including bonuses or gifts, unless such compensation, bonus, or gift, is provided through and documented by the Coordinating Office and is in accordance with the Louisiana Ethics Code for public employees. Nominal compensation in the form of food or beverages is permitted in accordance with the Louisiana Ethics Code for public employees.

Travel time to and from secondary employment shall not be compensated, unless it involves specialized patrol services or use of specialized equipment.

NOPD employees are not permitted to solicit secondary compensation or employment. Individuals or entities seeking to retain the services of NOPD employees for secondary employment must contact the OPSE.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to ensure a professional image appropriate for this department and for their assignment.

1044.2 POLICY

Employees shall maintain a neat, clean, and professional appearance at all times while on duty. Unless otherwise provided for under policy, or should deviations from these standards present a concern for officer safety, the following standards shall apply to all employees of the Department:

1044.3 HAIR - GENERAL

Employees shall maintain their hair in a neat, clean and well-groomed manner to reflect a professional and businesslike appearance. The Superintendent of Police shall be the final authority in determining hair standards.

Unacceptable hairstyles include, but are not limited to, design(s) sculpted into the hair, wearing long hair over a shaved (to scalp) portion of the head or worn in radical fashion.

Dyeing or highlighting the hair is acceptable provided it is consistent with a natural hair color, without obvious blocks, patterns or spots of color. Color sheens and over dyes are not acceptable.

Employees shall ensure that their hair does not interfere with the proper wearing of the uniform hat or the prompt and proper placement of protective head and/or face gear.

Commissioned male employees - Hair on the side of the head may extend to cover the top half of the ear, at maximum. When standing with the head straight, the hair on the back of the neck shall be one quarter inch above the shirt collar. Hair in the front shall not fall below the eyebrow.

Commissioned female employees - Hair on the sides and back of the head shall not exceed shoulder length (top of the shoulder). Hair in the front shall not fall below the eyebrows. Hairstyles in which the hair is pinned neatly to the head shall be permitted, but the wearing of ponytails and pigtails is strictly prohibited.

Non-commissioned employees - Hair shall be maintained as to present a neat appearance consistent with the type of duty performed.

1044.3.1 HAIR ORNAMENTATION

Commissioned members of the department shall not wear hair ornamentation.

Inconspicuous hair control devices such as cloth-covered rubber band (not to exceed one-quarter inch in diameter), plain hairpins or clips may be worn to comply with department standards. Hair control devices shall not interfere with the prompt and proper placement

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of protective head and/or face gear. Hair control devices shall in no way detract from an employee's professional appearance.

1044.3.2 HAIRPIECES AND WIGS

Hairpieces and/or wigs may be worn. Hairpieces, wigs, and the employee's overall appearance must confirm to the department's general hair standards.

1044.3.3 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend downward past the corner of the lower lip more than one-half inch beyond the corner of the mouth.

1044.3.4 SIDEBURNS

Sideburns shall not extend past one-quarter inch below the lowest part of the earlobe and shall be trimmed, even width, not flared, and neat with a clean shaven horizontal line at the base.

1044.3.5 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Superintendent of Police or his/her authorized designee.

1044.4 FINGERNAILS

Fingernails shall be neat and clean, and shall not display decals or ornamentation. Fingernails (natural or artificial) shall not extend more than one-fourth inch beyond the tip of the finger. They shall not interfere with the employee's duty performance such as safe drawing of weapons, or usage of safety or duty equipment.

Female employees – Uniformed female employees may only wear clear or neutral (beige or cream) nail polish (white nail tips are allowed). When attired in authorized clothing other than the uniform, female employees may only wear fingernail polish that is professional and businesslike in color.

Male employees - May only wear clear fingernail polish.

1044.5 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by employees or attached on any part of the uniform or equipment, except those authorized within this policy. Jewelry, if worn around the neck, shall not be visible above the shirt collar. Religious medals, medallions, crosses, or chains may be worn but shall be concealed under the uniform shirt.

The use of gold or other metallic caps worn only as dental jewelry is prohibited while an employee is on duty. Orthodontia, or dental caps which are applied for proper dental hygiene, are allowed. If requested, an employee shall provide certification from his/her dentist concerning medical/dental necessity of orthodontic appliances.

Ear gauges are prohibited by both male and female employees.

Male employees - The use of jewelry shall be restricted to one watch and two personal rings (one ring per hand) no larger than a graduation ring. The use of earrings, nose

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rings, nose studs, tongue rings/studs, eyebrow or lip rings, and other personal adornments are prohibited.

Female employees - The use of jewelry shall be restricted to one watch, two personal rings (only one ring per hand) no larger than a graduation ring, and one pair of small stud type earrings (one earring per ear lobe only) which do not extend below or around the ear lobe. For purposes of this policy, female members may wear an engagement and wedding ring set in the traditional manner, which shall be counted as one ring.

1044.6 TATTOOS / BODY ART / BODY PAINTING

While on duty, Department employees with tattoos, body art or body paintings displayed on a visible portion of their anatomy shall adhere to the following requirements:

(a) **Tattoos**: Visible tattoos on the arm at or below the bend in the elbow must be covered by wearing a department approved uniform or approved accessory. **Exception to this requirement is a single tattoo on one or both arms below the bend in the elbow that does not exceed dimensions of 2 ½ by 4 ½ inches.** Visible tattoos on the head, face, neck, leg or other visible extremity not regulated by exception shall be covered at all times by wearing a department approved uniform, approved uniform part or accessory, or skin patch/bandage that is of a neutral color (e.g. – skin tone ACE Bandage or Band-Aid).

(b) **Body Art / Body Painting**: Visible body art or body painting on any extremity shall be covered at all times by wearing a department approved uniform or approved uniform part or accessory. For the purpose of this policy, body art or body painting is defined as tattooing or other markings beyond a 2 ½ by 4 ½ inch dimension displayed over a significant portion of a visible extremity.

The visible display of tattoos, body art or body painting that could reasonably or sensibly be construed as demeaning, political, sexually explicit, or offensive in nature shall be covered at all times by wearing a department approved uniform, approved uniform part or accessory, or skin patch/bandage that is of a neutral color (e.g. – skin tone ACE Bandage or Band-Aid).

Sworn officers working in a covert assignment are exempt from the requirements under this section while performing their official duties in an undercover plainclothes capacity.

1044.6.1 EMPLOYEES WORKING OFF-HOURS ENGAGED IN DEPARTMENTAL BUSINESS

Uniform or plainclothes employees working off-hours outside of their normal tour of duty schedule who are engaged in Department Business activities (e.g., court appearance, attendance at an administrative hearing, business meetings or secondary employment assignments) are bound by personal appearance requirements outlined under this policy.

1044.7 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

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(a) Tongue splitting or piercing
(b) Nose rings/studs
(c) Eyebrow or lip rings
(d) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
(e) Abnormal shaping of the ears, eyes, nose or teeth
(f) Branding or scarification

1044.8 MAKE-UP

Female employees - May wear make-up while on duty and shall be worn in moderation and shall be consistent with a professional and businesslike appearance.

Male employees - May wear make-up to conceal skin imperfections. Make-up shall be worn in moderation and shall be consistent with a professional and businesslike appearance.

1044.9 UNDERSHIRTS/CAMISOLES

Undershirts worn by uniformed employees shall not be visible under the uniform shirt; camisoles worn by employees in uniform shall also not be visible under the uniform shirt. Undershirts which are specifically designed to be worn with body armor are exempt from this regulation, but shall match the color of the body armor cover.

1044.10 EXCEPTIONS

Exceptions to these standards include members whose appearance would be deemed as appropriate in the course of official duties being performed on behalf of the Department; or where the Superintendent of Police has granted a written exception for medical or other extenuating circumstance.

1044.11 SUPERVISORY REQUIREMENTS

Members of the Department who are supervisors are expected and required to ensure that this policy is complied with by all personnel. To ensure compliance with the department's Personal Appearance Standards, supervisors shall conduct daily inspections of their subordinates during Roll Call Training and/or in their other contact with subordinates. Deviations from this policy shall be documented and disciplinary action should be taken against offending members. Supervisors shall not allow officers who are in violation of this policy to commence a tour of duty until violations are corrected.

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the New Orleans Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following policies:

- Firearms
- Weapons Training/Re-Qualifications
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

Authorized equipment and uniform specifications can be found in the procedure portion of this policy.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not permit the uniform to be reproduced or duplicated.

(e) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications, which can be found in the procedure portion of this policy.

(f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(h) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

Employees shall not make uniforms and/or uniform parts available to the general public. Employees shall remove and retain or destroy all patches and insignia which identify the articles as New Orleans Police Department uniform(s) prior to converting the articles to mere clothing.

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1046.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Bureau Commander.

1046.2.2 CIVILIAN PERSONNEL

Badges and department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Clergy).

(a) Civilian personnel shall not display any department badge except as a part of his/her uniform, while on-duty or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a police officer.

Department badges are issued to all certified employees for official use and display only. The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Superintendent of Police or the authorized designee.

1046.3 UNIFORM CLASSES

The various uniform specification classes are those identified in the procedure portion of this policy. Uniforms shall be distinct and identifiable from other police uniforms (La. R.S. 33:2336).

1046.4 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Superintendent of Police, New Orleans Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the New Orleans Police Department to do the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

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Public Safety Explorers

1048.1 PURPOSE AND SCOPE

The purpose of the New Orleans Public Safety Explorer program is to give youth between the ages of 12-18 an opportunity to explore the fields of law enforcement, emergency medical services and fire services.

The explorers work under direct supervision and learn the following:

- The importance of cooperation and teamwork in achieving goals as well as accepting individual responsibility.
- Engage in program activities with emphasis in career opportunities, life skills, citizenship, character and leadership.
- A comprehensive program of training, education and community service.

1048.2 EDUCATION REQUIREMENTS OR ELIGIBILITY

The educational requirements for persons to be eligible for the Public Safety Explorers program are:

- Members must be between the ages of 12 and 18 years old;
- Have parental approval; and
- Enrolled in school.

1048.3 PROGRAM COORDINATORS

The Program Coordinator may select Crime Prevention officers to serve as advisors for the Explorer Program. These officers will serve as mentors for each explorer. Explorers will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's Assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command.

1048.3.1 PROGRAM ADVISORS / LIAISONS

The Program Coordinator may select Crime Prevention officers to serve as advisors for the Explorer Program. These officers will serve as mentors for each explorer. Explorers will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's Assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command.

1048.4 ORIENTATION AND TRAINING

First time attendees will receive an orientation of the organization. The rules, regulations and member expectations will be explained. All training will focus on improving knowledge and skills in preparation to become a police officer, emergency medical technician, fireman or any other profession.

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1048.5 EXPLORER UNIFORMS

Each explorer will be provided one uniform after attending one month of orientation. All uniforms are to be kept neat and clean. Name badges, Departmental patches and Explorer patches will be issued by the New Orleans Police Department and remain the property of the New Orleans Police Department. Lost or stolen items will be reported as soon as possible.

1048.6 ASSIGNMENTS

Explorers will be assigned according to the departmental needs with the final decision resting with the program coordinators.

1048.7 PERFORMANCE EVALUATIONS

Performance evaluations for all explorers shall be completed twice during the first year. After the first year, explorers will be evaluated annually to assess their current attendance, conduct and appearance.

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Nepotism and Employment Conflicts

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between employees of this department. These employment practices include: recruiting, testing, hiring, compensation, commendations, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, contract employee, temporary employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, Limited Liability Corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Immediate family - Spouse, parents, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law or son-in-law, legal guardians or dependents of the employee; step or half relations shall be given the same consideration as blood relatives of the same type.

Extended family - Aunts, Uncles, Nieces, Nephews, and members living in the same household.

Relative - A member of the immediate or extended family related by blood or marriage.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

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1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts of interest or the appearance of impropriety with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, recommending discipline, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, employees of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of relatives, employees shall not develop or maintain personal or financial relationships with any individual(s) they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of local, state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest, the appearance of impropriety, or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

In the event that an uninvolved supervisor is not immediately available, the employee shall promptly notify the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1050.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Superintendent of Police or the authorized designee of such actual or potential violations through the chain of command.

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Suspensions, Emergency Suspensions or Arrest of Employees

1053.1 PURPOSE AND SCOPE

This policy establishes guidelines for effecting the suspension, emergency suspension or arrest of an employee.

1053.1.1 DEFINITIONS

Definitions related to this policy include:

Suspension - The relieving of a police department employee from all work related duties as a result of a sustained infraction of department rules, policies and/or procedures.

Emergency suspension - The immediate relieving of a police department employee from all work related duties.

1053.2 SUSPENSION

An employee may be suspended as a result of a disciplinary infraction after the case has been heard by a hearing officer, the hearing recommendation has been reviewed and signed by the Superintendent of Police and a Disciplinary Letter has been signed by the Superintendent of Police and issued to the employee.

In the event that an employee refuses to sign for the letter, additional disciplinary action may be taken. This refusal will not negate the disciplinary letter and or the penalty accessed. The supervisor issuing the disciplinary letter shall note on it refused to sign and or unavailable to sign.

1053.2.1 SUSPENSION - COMMANDER'S RESPONSIBILITIES

Commanding Officers shall review a copy of the suspension letter on any employees under their command and shall determine if the suspensions are for working days or calendar days. Commanding officers shall ensure that the employees are carried suspended the correct number of days as indicated on the suspension letter and within the time frame designated.

The commander shall be responsible for ensuring the accused employee is instructed to surrender all Departmental property in his/her possession prior to serving the suspension. The accused employee's commander shall assign an on-duty supervisor from the employee's chain of command who shall on the last working day prior to beginning a suspension for disciplinary reasons, confiscate the following Department property and issue a receipt for same:

(a) Employee's badge and frontis-piece;

(b) Employee's police or departmental identification;

(c) Employee's personal PIM Card;

(d) Employee's radio;

(e) Employee's assigned vehicle, keys, and gas card;

(f) Employee's departmental weapon(s);

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(g) Employee's vest;

(h) Any other department issued property specified by the Superintendent of Police or deputy superintendent(s).

The employee's commander shall be responsible for securing all confiscated Department property until the employee is restored to full duty. The commander shall store the property in a secure location within his/her command, or may secure the confiscated property in the Central Evidence and Property Section.

1053.2.2 SUSPENSION - PUBLIC INTEGRITY BUREAU RESPONSIBILITIES

The Public Integrity Bureau shall ensure a copy of the suspension form will be delivered to the Department of Civil Service within five calendar days of the date of the suspension. A receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file.

1053.2.3 SUSPENSION - EMPLOYEE'S RESPONSIBILITIES

An employee while on suspension / emergency suspension is not commissioned. That employee shall not drive any city vehicle, shall not carry a firearm, shall not wear uniform parts, shall not make any public appearances representing themselves as a employee of the New Orleans Police Department, and they shall not be authorized to work paid details.

1053.3 EMERGENCY SUSPENSIONS

Only the Superintendent or his/her designee may authorize emergency suspensions.

Reasons for an emergency suspension shall include, but shall not be limited to:

(a) The accused employee's use of drugs and/or alcohol;

(b) Any act or omission to an act which jeopardizes the public's safety or the Department's integrity;

(c) Any actions which bring into question the accused employee's continued ability to perform his/her duties; or

(d) The employee's physical arrest.

1053.3.1 EMERGENCY SUSPENSION - SUPERVISOR'S RESPONSIBILITIES

The supervisor who receives approval for an emergency suspension shall document the suspension on a Notification of Suspension Form (Form #310); including the name of the person by whose authority the employee was suspended. The Notification of Suspension form shall be distributed as indicated on the form prior to the end of that supervisor's tour of duty.

The supervisor affecting the suspension shall ensure a copy of the suspension form shall be delivered to the Department of Civil Service within five calendar days of the date of the suspension. A receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file.

The supervisor effecting the suspension shall notify the accused employee's commander of the suspension proceeding. The commander shall be responsible for ensuring the accused employee is instructed to surrender all Departmental property in his/her possession. The accused employee's commander shall assign an on-duty supervisor from the employee's chain of command that shall, at the time of the suspension, confiscate the following Department property and issue a receipt for same:

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(a) Employee's badge; frontis-piece

(b) Employee's police or departmental identification;

(c) Employee's personal PIM Card;

(d) Employee's radio;

(e) Employee's assigned vehicle, keys, and gas card;

(f) Employee's departmental weapon;

(g) Employee's vest; and

(h) Any other department issued property specified by the Superintendent of Police or Deputy Superintendent(s).

If no on-duty supervisor is available, the accused employee's commander shall be responsible for insuring Department property is confiscated within 24 hours from the time of the suspension.

The receipt shall include the Public Integrity Bureau's case number, police item number, if applicable, a complete description of the property, the date confiscated, and the signatures/dates of both the supervisor and employee. The original signed receipt shall be forwarded to the Public Integrity Bureau to be made a part of the case file. The supervisor issuing the receipt shall insure a copy is also sent to the accused employee's commander. When the property is returned to the employee, the returning supervisor shall have the employee sign and date a copy of the receipt. A copy of the signed receipt, which indicates the return of Department property, shall be sent to the Public Integrity Bureau and placed in the case file.

Due to the needs of an investigation or changes in an employee's status, it is important the Department have the ability to readily contact suspended employees. At the time the emergency suspension is initiated, the supervisor effecting the suspension shall obtain from the employee a current mailing address, and any contact telephone numbers where he/she can be reached. Suspended employees shall insure they can be reached at the address and phone numbers provided. If, during the suspension, the employee's contact address or telephone numbers change, the employee is responsible for advising his/her commander and the investigator assigned to conduct the investigation, of any new listings where he/she can be reached.

1053.3.2 EMERGENCY SUSPENSION - COMMANDER'S RESPONSIBILITIES

If all of the property is not immediately available at the time of the emergency suspension, the suspended employee's commander shall be responsible for confiscating the property and issuing a receipt within 24 hours of the suspension.

The employee's commander shall be responsible for securing all confiscated Department property until the employee is restored to full duty. The commander may store the property in a secure location within his/her command, or may secure the confiscated property in the Central Evidence and Property Section.

1053.3.3 EMERGENCY SUSPENSION - PUBLIC INTEGRITY BUREAU'S RESPONSIBILITIES

The Public Integrity Bureau Chief shall review all emergency suspensions on the next working day and weekly thereafter, and shall advise the Superintendent, and the employee's Deputy Superintendent, as to whether or not the employee may be restored to duty pending final disciplinary action.

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Only the Superintendent of Police, through the Public Integrity Bureau, shall terminate the emergency suspension of an employee. When an emergency suspension is terminated, the Public Integrity Bureau shall notify the employee's deputy superintendent and the Personnel Section utilizing Department letterhead. The correspondence shall indicate the date the emergency suspension began, the effective date of return to duty, and the number of calendar days of the suspension. The Public Integrity Bureau shall be responsible for delivering a copy of the emergency suspension termination to Civil Service within five calendar days of the date of the form and a receipt, signed and dated by the Civil Service Representative accepting the suspension form, shall be included as part of the permanent case file.

1053.4 ARREST OF POLICE DEPARTMENT EMPLOYEES

The Public Integrity Bureau Chief shall be notified of the pending arrest of any employee of the department.

If circumstances require an employee to be immediately arrested, the arresting officer shall notify the Deputy Chief of the Public Integrity Bureau immediately after the arrest. The Deputy Chief of the Public Integrity Bureau shall insure the Superintendent, and employee's bureau or office commander is notified.

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Limited-Duty Assignments

1054.1 PURPOSE AND SCOPE

To establish the authority for temporary limited duty assignments and procedures for granting temporary limited duty to eligible employees. The effective use of employee skill and talent is important to the operation of the Department, including, when practicable, periods when employees ability to work may be temporarily limited or restricted. Temporary limited-duty assignments can provide benefits to the Department and employees.

1054.1.1 DEFINITIONS

Definitions related to this policy include:

Eligible personnel - Any full-time commissioned or civilian employee of this agency suffering from a medically certified, injury or disability requiring treatment of a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform their regular assignment but is capable of performing an alternative assignment.

Limited duty - A temporary limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Limited-duty also may be termed as light-duty assignments.

1054.2 POLICY

Limited duty assignments are for commissioned officers and civilian employees who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. The use of temporary limited duty is intended to provide employees with an opportunity to remain productive while recovering as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this agency that eligible personnel are given a reasonable opportunity to work in a limited duty capacity where available and consistent with this policy (La. R.S. 23:1226).

Limited-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.3 LIMITATIONS

Temporary limited-duty positions are limited in number and variety. To qualify and be considered for a limited duty assignment, the employee shall be transferred to Administrative Duties Services for monitoring and supervision prior to granting of such assignment. Transfer to Administrative Duties Services and Physician's Examination Certification entry requirements are available in the Administrative Duties Services office. Physician's Examination Certification (NOPD Form 50) can be found at http://www.nopd.org under the Forms tab.

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The Department will conduct a pre termination hearing, according to Rule IX of the Civil Service Rules, relative to Maintaining Standards of Service every thirty days for employees assigned to Administrative Duties Services. The hearing will be held within fifteen calendar days after the employee is notified of such in writing following Civil Service Rules.

Personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to limited duty.

Under the Worker's Compensation Statue the Department shall provide a temporary limited duty assignment to those employees who may return to a modified position consistent with their rehabilitation (La. R.S. 23:1226).

Assignments may be changed at any time, if deemed in the best interest of the employee or the agency.

This policy shall not affect the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal or State law.

Assignment to limited duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

No specific position within this agency shall be established for use as a temporary limited duty assignment, nor shall any existing position be designated or designed exclusively for personnel on limited duty.

Limited duty assignments are strictly temporary and normally should not exceed six months in duration. Conditions of limited duty status include:

(a) After six months, personnel on temporary limited duty who are not capable of returning to their original duty assignment shall:

1. Present a request for extension of limited duty, with supporting documentation, including NOPD Form 50 for extended leave, to Administrative Duties Services. This form must include a detailed description of the employee's restrictions and limitations which prohibit him/her from serving in full duty capacity and be submitted within ten calendar days.
2. Pursue other options as provided by employment provisions of this agency through Civil Service, Federal or State law.
3. Avail themselves of one or more paid leave classifications.

(b) Employees unable to return to full duty status after assignment to a limited duty position for one year must do one of the following:

1. Request and receive approval for a medical leave of absence.
2. Apply and receive approval for a disability retirement.
3. Resign.
4. Pursue other options as provided by employment provisions of this agency through Civil Service, Federal or State law.
5. Avail themselves of one or more paid leave classifications.

Employees on temporary limited duty are prohibited from engaging in outside employment and secondary employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable

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to perform on behalf of this agency and which form the basis for their temporary limited duty assignment.

Depending upon the nature and extent of the disability, an officer on limited duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon or otherwise limited in using police powers as determined by the Superintendent of Police or his designee.

Limited duty assignments shall not be made for disciplinary purposes.

Employees may not refuse temporary limited duty assignments which are supported by and consistent with the recommendations of an attending physician or certified health-care provider although employees may protest such assignments by using established agency grievance procedures. Failure or refusal to accept a temporary limited duty assignment may result in a fifty percent (50%) reduction in the employee's weekly Worker's Compensation benefits pursuant to La. R.S. 23:1226(E). Failure to accept a limited duty assignment may result in initiation of Rule IX proceedings.

1054.4 PROCEDURE

Employees may request assignment to limited-duty by completing Form 50 and providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Bureau Commander or the authorized designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Bureau Commander will determine what limited-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a limited-duty assignment of 20 hours or less may be approved and facilitated by the Platoon Commander or Bureau Commander.

1054.5 TEMPORARY LIMITED DUTY ASSIGNMENTS

Temporary limited duty assignments may be drawn from a range of technical and administrative areas which include but are not limited to the following assignments:

(a) Administrative functions (e.g. report review)

(b) Clerical functions (e.g. filing)

(c) Desk assignments (e.g. administrative duties) report taking (e.g. Alternative Police Response Unit (APRU)

(d) Communications (e.g. complaint taker)

Administrative Duties Services shall maintain an inventory of available job assignments that may be used for temporary limited duty.

In addition to considerations included in this policy, decisions on temporary limited duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of limited duty assignments; and the physical limitations imposed on the employee.

Every effort shall be made to assign employees to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employees thus assigned shall retain the:

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- Privileges of their rank shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
- Pay classification and related benefits of the position held prior to their assignment to temporary limited duty.

1054.6 REQUEST FOR AND ASSIGNMENT TO TEMPORARY LIMITED DUTY

Requests for temporary limited duty assignments shall be submitted to the Commander of Administrative Duties Services by the employee. Requests must be accompanied by a Form 50 and a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other appropriate licensed healthcare provider. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-care provider of familiarity with the limited duty assignment and the fact the employee can physically assume the duties involved.

The request for limited duty, Form 50, and the physician's statement shall be forwarded to the Commander of Administrative Duties Services, who shall make an assignment in accordance with this policy.

Administrative Duties Services may require the employee to submit to an independent medical examination by a health provider of the agency's choosing. In the event the opinion of this second health provider differs from the employee's health provider, the employee may request a third opinion at the employee's expense.

The employee and representatives of this agency shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

An employee not assigned to Administrative Duties Services, who has not requested temporary limited duty may be recommended for such assignment by submission of a request from the employee's immediate supervisor or unit commander. An employee assigned to Administrative Duties Services who has not requested temporary limited duty may be recommended by the Commander of the Administrative Duties Section. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority on a Form 50, expressing the need or justification for a return to limited duty or by a request for a medical or psychological fitness for duty examination. Conditions include:

(a) Notice shall be provided to the employee of the proposed limited duty assignment together with justification for the recommendation.

(b) The employee may challenge the proposed reassignment using established agency grievance procedures.

(c) Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the Superintendent of Police, failure to reassign may jeopardize the safety of the employee, other employees or the public.

As a condition of continued assignment to a limited duty position, employees shall be required to submit to monthly physical assessments of their condition as specified by Administrative Duties Services.

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1054.6.1 LIMITED-DUTY SCHEDULES

The schedules of employees assigned to limited-duty may be adjusted to suit medical appointments or department needs at the discretion of the Bureau Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1054.6.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form. Responsibilities include:

(a) Employees on limited-duty shall coordinate required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a limited-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on limited duty.

(c) Supervisors shall keep the Bureau Commander apprised of the employee's status and ability to perform the limited-duty assignment. Limited-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Bureau Commander, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Superintendent of Police or the authorized designee.

(d) When it is determined that an employee on limited-duty will return to regular duty, the supervisor shall notify the Bureau Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.6.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a limited-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.7 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities (La. R.S. 23:342).

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1054.7.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

On a monthly basis while assigned to limited-duty, pregnant employees must submit a physician's medical certificate and a Form 50 that documents the following:

(a) The employee's physical ability to perform the present assigned duties.

(b) The physician's appraisal that the type of work being performed will not injure the employee or her expected child.

(c) Any recommended duty restrictions or modifications including limited duty.

1054.7.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Bureau Commander, who will consider assigning the employee to an available temporary limited-duty assignment if it is deemed appropriate by the Department and medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's personnel rules and regulations regarding family and medical care leave.

1054.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary limited-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to limited duty, not to exceed one year per Civil Service rule.

1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to limited-duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to limited-duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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Administrative Reassignment

1055.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for employment status in lieu of normal duties when it becomes necessary to immediately relieve an employee from duty for an alleged infraction of department rules, policies and procedures, violation of the law, or for administrative reasons. This administrative policy shall also be utilized in the reassignment of employees in response to Psychological Referrals, and during the administrative investigation of incidents where death or serious physical injury has occurred.

The reasons for Administrative Reassignment may include, but shall not be limited to:

(a) An employee's alleged use of drugs;

(b) Any alleged act, or failure to act, which jeopardizes the public's safety or the department's integrity;

(c) Any alleged act which brings into question the employee's continued ability to perform his/her duties; or

(d) The employee's physical arrest, or contempt of court, resulting in detention.

1055.1.1 DEFINITIONS

Definitions related to this policy include:

Serious Physical Injury - Physical injury that creates a substantial risk of death, causes death or serious and protracted disfigurement, or causes impairment of the functions of any bodily organ or limb (as in the Use of Force Policy)

1055.2 POLICY

The authority to place an employee on administrative reassignment status shall be limited to the Superintendent of Police or his/her designee.

When an employee is placed on administrative reassignment status, the individual issuing the order shall ensure the employee's commanding officer is informed of the reassignment, and the employee is instructed of the date, time, and location where to report.

The employee shall be temporarily relieved from direct law enforcement duties and assigned to the Administrative Duties Services, except as indicated below.

(a) Employees placed on administrative reassignment due to disciplinary investigations or investigations arising out of a police shooting shall be reassigned by the Public Integrity Bureau. The employee's original place of assignment shall carry the individual detailed, TRIP code D . The employee's place of reassignment will be responsible for entering the employee's daily payroll.

The employee shall not be allowed the privilege of working secondary employment while he/she is reassigned without the expressed approval of the Superintendent of Police. A request to work secondary employment shall be made through the employee's chain of command.

Should the reassignment continue into the employee's next tour of duty, the employee shall be directed to report for duty in plain clothes.

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The Superintendent of Police may limit the commission of any employee placed on administrative reassignment status to those hours when the employee is physically at his/her place of assignment.

The supervisor who receives approval for an administrative reassignment shall document same on an AR-1 form. Distribution shall be made as indicated on the Administrative Reassignment Form.

The facts surrounding the employee's reassignment shall be reviewed by the Deputy Superintendent of the Public Integrity Bureau and/or the employee's Bureau Commander within 24 hours. The Superintendent shall be notified of the results of the review, and may hold a hearing on the merits of the administrative reassignment. If a decision to return the employee to his normal duties, or to have a hearing, cannot be arrived upon within the 24 hour time period, the employee shall remain on administrative reassignment status until further notified. The employee's reassignment status shall be reviewed by the Deputy Superintendent of the Public Integrity Bureau at least once each week until completion of the investigation, or until the employee is returned to his/her regular assignment. It shall be the responsibility of the Deputy Superintendent of the Public Integrity Bureau to notify the employee when he/she is removed from administrative reassignment duties.

If an employee is reassigned to a unit other than his/her permanent place of assignment, he/she shall be carried detailed, Code D, by his/her normal place of assignment. The location where the officer is temporarily assigned shall be responsible for entry of the employee's daily work hours. In the remarks section of the employee's TRIP payroll record, the notation "administrative reassignment" shall be inserted.

Only the Superintendent of Police may terminate the administrative reassignment of an employee.

During a declared emergency, the Superintendent of Police has the authority place administratively reassigned personnel on active duty.

1055.3 CAUSE FOR ADMINISTRATIVE REASSIGNMENT

Cause for Administrative Reassignment may include, but shall not be limited to:

(a) An employee's alleged use of drugs;

(b) Any alleged act, or failure to act, which jeopardizes the public's safety or the department's integrity;

(c) Any alleged act which brings into question the employee's continued ability to perform his/her duties; or

(d) The employee's physical arrest, or contempt of court, resulting in detention.

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Professional Performance Enhancement Program

1056.1 PURPOSE AND SCOPE

The Purpose of this policy is to provide for the administration of the Professional Performance Enhancement Program (PPEP). This program will provide for a systematic review of employee behavior with regard to job performance and interpersonal contacts in order to detect any tendencies requiring early intervention.

PPEP shall compile and analyze data from a variety of sources for use in monitoring the behavior of NOPD employees. It is the intention of the program to identify problem behavior, intercede as appropriate and initiate corrective non-disciplinary action, when needed, to enhance public relations, improve citizen interactive skills and prevent escalation of any inappropriate behaviors.

The data gathered will also be used to continually evaluate the training techniques of the Department.

1056.2 POLICY

It is the policy of the New Orleans Police Department to put forth the most highly skilled and professional employee possible.

Quality police service requires sensitivity and self-discipline on the part of those providing such service, often under trying circumstances. To meet these obligations, training in community awareness and sensitivity is directly related to performance.

1056.3 PROGRAM

The Department has established a Professional Performance Enhancement Program (PPEP) as mandated by the Superintendent of Police.

The Programs Section of the Public Integrity Bureau administers the PPEP.

1056.4 DATA CRITERIA

The criteria selected for use in selecting the data used in the review of department personnel are designed to bring to the Department's attention as many potential problematic personnel as possible without needlessly inhibiting energetic, well-intentioned employees.

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Job Performance Improvement Plan

1057.1 PURPOSE AND SCOPE

To establish instructions and guidelines for the use of the Employee Job Performance Improvement Plan (JPIP).

1057.1.1 DEFINITIONS

Definitions related to this policy include:

Job Performance Improvement Plan - A written managerial plan designed to assist an employee with improving his/her performance. Defines unsatisfactory and/or below standard employee performance and/or behavior. The plan offers clear objectives and establishes a timeline for improvement.

1057.2 POLICY

One goal of the Department is to give every employee the opportunity to be successful in his/her chosen career. JPIP is one method used to provide a clear and documented exchange between a supervisor and an employee regarding performance expectations to assist in meeting this goal.

Supervisors, managers, and/or administrators must decide when it's appropriate to move from the verbal to the written level to seek to improve management in an employee's performance. Once supervisory personnel determine written documentation is necessary to assist in bringing an employee's performance up to an acceptable level, a Job Performance Improvement Plan form shall be initiated.

The following are included in the Job Performance Improvement Plan form:

- All methods, discussions, meetings, etc., to be used in meeting the objective(s) and goal(s) of performance.
- A list identifying the standard(s) the employee does not meet (police officer standards.)
- A discussion about each area where improvement is needed.
- A mutual agreement on the nature and severity of the substandard performance.
- A mutual agreement on the course of action that will increase performance to an acceptable level.

The employee and the supervisor should agree on a performance objective(s). Ideally, the employee will set the objective(s) and the supervisor will advise if the objective(s) is attainable. The objectives should be measurable and realistic, and reasonable for the employee to have positive changes in behavior and/or performance.

While collaboration is clearly the preferred course of action, a supervisor can set the acceptable standard to meet the objective(s) by the employee throughout the JPIP.

A copy of all JPIP's will be forwarded to the Public Integrity Bureau within 72 hours (3 days) of completion.

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Although a JPIP may be used at any time to improve an employee's job performance, a JPIP is utilized if an employee's performance is rated less than acceptable on any performance evaluation. It may also be used any time if an employee's performance is rated below an acceptable standard.

An employee may be ordered to participate in a JPIP in addition to any sanctions resulting from corrective or disciplinary action. Failure of an employee to successfully complete the terms and conditions of a JPIP is grounds for corrective and/or disciplinary action with sanctions up to and including termination.

The JPIP should include attainable objectives and standards to reach the goal of acceptable performance.

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Exit Interviews

1061.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an exit interview format. The information gained through exit interviews will aid in the creation of new policies and improve such areas as employee supervision, training, and performance appraisal. The interview will also aid in the identification and rectification of conditions causing dissatisfaction.

1061.2 POLICY

When it is determined by Human Resource Services/Personnel Section that an employee will end their association with the New Orleans Police Department, either by retirement, resignation, or termination, they will be directed to the Employee Relations Unit to complete an employee exit interview. The exit interview shall be coordinated as part of the required process for separation.

The Employee Relations Unit will be responsible for interviewing the employee, and completing an Exit Interview Form (Form #56). If an employee refuses to participate, the block indicating such shall be marked on Form #56.

(a) Copies of the completed Exit Interview Form will not be placed in the respective employee's Personnel file jacket, but will be maintained in a separate file in the Employee Relations Unit.

(b) Participating employees shall be provided a copy of the completed Exit Interview Form.

1061.3 REPORTING REQUIREMENTS

On a quarterly basis, the Employee Relations Unit will offer exit interview summaries to the Superintendent of Police, Deputy Superintendents and Commanders. The summaries will include the number of departures, reasons for departure, interview conclusions, recommendations, and any other information which would be beneficial to the improvement of the Department.

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Officers Killed While On Duty

1065.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for the notification of Command Desk, the deceased officer's Commanding Officer, family members or other close concerned individuals of police officers who are killed while on duty, at a paid detail, or in the line of duty, and whose family members have not been notified.

1065.2 POLICY

When it has become apparent that a police officer has been killed while on duty or while working a paid detail, a ranking officer on the scene of the incident and from the district of occurrence shall immediately notify the Command Desk and ensure the deceased officer's Commanding Officer to be notified.

A ranking officer from the district of occurrence shall proceed to the hospital where the deceased has been taken and immediately assume the responsibilities of the hospital area. Additionally, the ranking officer will prepare a location where the relatives of the deceased can be brought. This location should be a private area near the emergency room and not readily accessible to the public.

The ranking officer at the hospital shall not allow other police personnel to congregate in the private area and shall instruct the police personnel at the hospital not to engage in conversation with, or make remarks to, relatives upon their arrival at the hospital until death notification has been made.

Upon notification, the Command Desk supervisor shall notify the Police Department Chaplain and the Police Department Psychologist and instruct them to proceed to the medical facility where the deceased officer was taken. The police Chaplain and psychologist shall proceed to the private area of the hospital and await the arrival of the family. It shall be the duty of the Police Department Chaplain to inform the family of the officer's death.

Members of the department shall not release the name of the officer or details of the incident to the media or the public in general.

1065.3 DUTIES OF THE COMMANDING OFFICER

The Commanding Officer, upon being notified of the death of an officer, shall obtain the necessary information from the member's Emergency Notification Form (Form #162) which can be found in the Forms folder at http://www.nopd.org. The Commanding Officer shall proceed to the residence provided by the deceased as the primary individual to be contacted along with another police officer to transport the surviving family member to the appropriate hospital. If children or incapacitated adults are present, the accompanying officer shall remain with them until arrangements for their care can be made.

If the specific individual is not present at the residence indicated, every effort will be made to locate the Primary Individual. If attempts are met with negative results, the Commanding Officer shall proceed to the Alternate 1 and Alternate 2 individual for the purpose of transportation to the medical facility.

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NOTE: SINCE THE MEDICAL CONDITION OF THE INDIVIDUAL NOTIFIED CANNOT BE KNOWN, AND THE MANNER IN WHICH THE INDIVIDUAL MAY REACT CANNOT BE DETERMINED, THE COMMANDING OFFICER SHALL MAKE EVERY ATTEMPT NOT TO INFORM THE INDIVIDUAL THAT THE OFFICER HAS DIED. THE COMMANDING OFFICER MAY STATE THAT THE OFFICER HAS BEEN SERIOUSLY INJURED AND THE NOTIFIED INDIVIDUAL'S PRESENCE IS NEEDED AT THE HOSPITAL.

Upon arrival at the medical facility, the deceased officer's Commanding Officer shall escort the surviving family member(s) to the predetermined secure area. The Commanding Officer shall remain with the surviving family member(s) until the arrival of the Police Psychologist and Police Chaplain.

The deceased officer's commanding officer shall assign an officer(s) from his/her place of assignment to remain with the survivors as long as their stay at the hospital lasts. These officers shall be responsible for ensuring that the surviving family member(s) is transported back to their residence or other location as determined by the survivor(s).

1065.4 DUTIES OF THE PUBLIC INFORMATION OFFICER

Upon notification that a police officer has been killed, the Public Information Officer shall proceed to the Medical Facility where the slain officer has been brought and act as a liaison between the department and the media.

The Public Information Officer shall gather information and disseminate same to the media as per current policy and procedure.

The identity of the slain officer shall not be released to the media until family notification has been made. If the identity of the slain officer is already known to the media, the Public Information Officer will request the media that the identity not be broadcast until notification of the family has been made.

1065.5 DUTIES OF THE EMPLOYEE RELATIONS UNIT

The representative from the Employee Relations Unit shall:

(a) Offer assistance, or if requested, assist in making funeral, wake, and burial arrangements for the deceased member. The Employee Relations Unit shall also ensure security checks are made at the deceased member's residence both before and after the funeral services.

(b) Contact the retirement office and notify them of the officer's death providing information on the officer's family.

(c) Assist the family in obtaining marriage licenses, birth records, social security numbers, etc., for the completion of necessary documents for survivor benefits.

(d) Inform the family of benefits available through State and Federal Government and offer assistance as needed. A member of the Employee Relations Unit shall prepare any and all documents needed by the family to receive benefits, if requested, and insure the beneficiaries are receiving the proper benefits.

(e) Assist the family and the Public Information Office in the release of information on the officer and the family, abiding by the wishes of the family.

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Funerals

1066.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a process for individuals requesting a police funeral for active or retired members of the New Orleans Police Department.

1066.2 POLICY

Uniform personnel may be assigned to participate in funeral ceremonies of active or retired members of the Department upon request of the deceased's family or individual in charge of the funeral arrangements.

When a member's funeral is requested, a bulletin and a NOPDAll *(group email message to all police employees)* email message shall be sent notifying all personnel of the funeral. Volunteers for a particular funeral shall contact the Human Resource Services.

The Deputy Superintendent of the Field Operations Bureau may authorize detail motorcycle officers to provide a city roll escort for the deceased member's motorcade to the cemetery.

If the deceased member was an active or retired member of the department, a uniformed officer of the unit to which the deceased was assigned may, with approval of the Commanding Officer, may be detailed to the funeral ceremony.

Officers shall be aware that the City of New Orleans and the New Orleans Police Department assumes no financial responsibility for the burial of member, whether the member was killed in the line of duty or not.

If the deceased was a Superintendent or Deputy Superintendent, active or retired, the officer in charge shall hold the rank of Captain, Major, or Commander.

1066.3 OFFICER'S DEATH - LINE OF DUTY

When a police officer dies in the line of duty, two uniformed officers shall be assigned to remain with the deceased from the time of visitation until the end of interment.

The Honor Guard will be entirely or partially staffed by Special Operations Division, ranking officers, and other personnel of the deceased officer's unit depending upon the availability of manpower from that unit.

The Special Operations Division Commander shall be in overall command of the funeral ceremony, funeral detail and the Honor Guard.

The Special Operations Division shall coordinate the ceremonial burial procedure. The ceremonial burial procedure shall be in accordance with U.S. Navy Regulations, Marine Corps Drills & Ceremonies Manual Chapter 19 titled Funerals or as modified by proper authority.

The Commanding Officer of the Traffic Section shall provide an appropriate motorcycle escort for the Funeral Detail.

The class C Dress Uniform shall be worn by all personnel assigned as pallbearers and Honor Guard. Where the deceased died of other causes and not in the line of duty, the

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class of uniform worn shall be at the discretion of the Commander of the Special Operations Division.

The Special Operations Division shall coordinate this procedure with the deceased's family or the person in charge of arrangements.

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Hospital Protocol for Injured Officers

1067.1 PURPOSE AND SCOPE

In the event a police officer or other member of the department is seriously injured on duty or while on a paid detail, the welfare of the injured individual is of the utmost importance. This policy is established to provide a NOPD waiting room, both at University Hospital (2021 Perdido Street) and at Tulane Medical Center (1415 Tulane Avenue), where officers can gather, to prevent crowded conditions in the Emergency Room which disrupts medical care, to centralize, update, and disseminate medical status reports, and to provide an opportunity for group counseling, if necessary.

1067.2 POLICY

The University Hospital will provide the Hospital Police Office, or other suitable location, as the NOPD waiting room. The waiting room will provide direct access to the Accident Room and offer privacy, telephones, and restrooms.

Depending on the time of day and number of concerned officers, Tulane Medical Center will provide NOPD waiting areas in the cafeteria, front lobby, chapel, Room 1000, and/or the Comprehensive Health Care office. These areas are all located on the first floor of the hospital, near the Emergency Room, and all offer privacy, telephones, and restrooms.

A ranking officer from the injured person's place of assignment shall be in charge of the hospital area. If, because of the size of the injured person's place of assignment, no ranking officer is available, a ranking officer from the District of occurrence shall be in charge of the hospital area until such time as a supervisor from the injured person's assignment can arrive at the hospital. He/she shall:

(a) Coordinate with an on-duty hospital security officer to establish the NOPD waiting room;

(b) Take command of the emergency room area for the purpose of restricting the entrance of all other officers into the emergency room, except for those specifically charged with investigating the incident;

(c) Direct all other officers to assemble in the NOPD waiting room;

(d) Cause the injured person's commanding officer to be notified and remain in charge until a replacement has arrived at the hospital; and

(e) Not make any statements to the media and instruct other police personnel to do likewise.

The ranking officer at the hospital shall not allow other police personnel to congregate in the private area and shall instruct the police personnel at the hospital not to engage in conversation with, or make remarks to, relatives upon their arrival at the hospital until death notification has been made.

The ranking officer in charge of the hospital area shall designate a liaison between the medical staff and the department. This officer shall frequently report to the NOPD waiting room and update the condition and status of the injured individual.

The ranking officer in charge of the hospital area shall contact the Command Desk of Communications Services and supply a telephone number(s) to the waiting room.

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The NOPD waiting room shall be open until the injured officer has been removed from the emergency room. The ranking officer in charge of the hospital area shall notify the Command Desk when the NOPD waiting room has been closed.

1067.3 DUTIES OF THE INJURED PERSON'S COMMANDING OFFICER

If the ranking officer in charge of the hospital area is not a member of the commander's unit, division, or section, the Commander shall immediately assign a ranking officer from his/her command to proceed to the hospital and take charge of the hospital area.

(a) The Commander shall assign a guard(s) to the injured officer once he/she has been moved to a recovery room or a hospital room. The officer on guard duty shall:

1. Restrict visitors completely, upon orders of the injured person's physician;
2. Limit visitors to immediate family members and/or persons specifically requested by the injured person and his family;
3. Provide information on the person's medical condition to individuals who are denied the opportunity to visit the injured person; and
4. Notify the Command Desk, the Public Information Office, and the injured person's Commanding Officer when there is a significant change in the person's medical condition.

(b) The guard detail shall be ended when the individual is no longer in need of the services provided, or when a long period of hospital recuperation is expected.

(c) The Commanding Officer of the injured individual shall immediately and personally notify the relative or person listed on the Emergency Notification Form (Form #162). Depending on the severity of the injuries, this notification can be made either by telephone or in person. If the injury is life threatening, or the circumstances surrounding the cause of the injury would lead the relative to believe the injury is life threatening, the notification shall be made in person at the relative's residence.

(d) If notification of family members is made at the residence, the Commanding Officer shall cause the following to happen:

1. The Commanding Officer and at least one other officer shall proceed to the residence and inform the relatives of the incident.
2. The relative(s) shall be transported to the hospital where the injured individual is being treated.
3. In the event small children or incapacitated adults must remain at the residence, the additional officer shall remain at the residence with the parties until such time as arrangements can be made for their care.
4. Upon arrival at the hospital, the Commanding Officer shall assign one officer from his/her command to the relative(s) to assist in gathering information on the individual's medical condition and provide for their well-being.
5. The Commanding Officer shall ensure that transportation is provided for the relatives back to their residence or other location if needed.

(e) If notification of family members is made by telephone, the Commanding Officer shall:

1. Inform the relative of the nature and extent of the injury emphasizing the injuries are not life threatening;
2. Provide the name, address and telephone number of the hospital where the individual is being treated;
3. Offer transportation to and from the hospital if needed;

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4. Provide for care and security of small children and incapacitated adults, if needed, until such time as arrangements can be made for their security.

(f) The Commanding Officer shall inform the Public Information Officer that notification of the family has been made.

1067.4 DUTIES AND RESPONSIBILITIES OF THE PUBLIC INFORMATION OFFICER

Upon being informed that a police officer or other department employee has been injured while in the performance of his/her duty, the on duty Public Information Officer shall proceed to the hospital where the individual is being treated.

The Public Information Officer shall be the liaison between the media and the Police Department. The identity of the injured individual ***shall not*** be given to the media until he/she has been notified by the injured party's Commanding Officer that family notification has been made.

If the identity of the injured party is already known by the media, the Public Information Officer shall request they withhold the information from broadcast until family notification can be made.

The Public Information Officer shall gather information and release information to the media as per current policy and unit procedure.

1067.5 ADDITIONAL RESPONSIBILITIES

In the case of serious injury, the Command Desk shall notify the Police Psychologist(s) and inform him/her an individual has been injured in the line of duty. If a psychological debriefing or other counseling is necessary, the Psychologist shall report to the NOPD waiting room and report to the injured party's Commanding Officer.

In the case of serious injury, the Command Desk shall notify the Police Chaplain(s) and the commander of the Employee Relations Section, inform him/her an individual has been injured in the line of duty. The Police Chaplain and a representative of the Employee Relations Section shall report to the NOPD waiting room, (or other appropriate location within the hospital) to render their services to other members of the department, family members and the injured individual.

1067.6 PROHIBITIONS

Visitor limitation, at times, is in the best medical interest of the injured person. With that in mind, department members shall not use their official position or identification to enter into areas of the hospital otherwise prohibited to visitors unless conducting an official police investigation and not without permission of the injured party's physician.

When visiting an injured party at the hospital, officers shall not park on the emergency ramp or other locations reserved for emergency vehicles.

Members of the Department shall not release the officer's name, any identifying information or details of the incident to the media or the public in general.

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New Orleans Police Department
Procedure Manual

Chapter 1 - Law Enforcement Role and Authority

Policy Manual

PR106.1 SUPERVISORY PERSONNEL

Supervisory personnel shall have the authority to formulate and issue written guidelines as it pertains to the unique operation of their particular assignment. However, no guideline shall be issued which is in conflict with any directive issued by the Superintendent of Police.

PR106.2 OFFICE OF POLICY AND PLANNING

The Office of Policy and Planning shall coordinate and serve as a central clearing unit for the preparation, evaluation, review, revising, indexing, and distribution of the Department's rules, policies, and procedures. New policies, rules, or procedures shall be distributed by the Office of Policy and Planning through the Chain of Command. The Office of Policy and Planning shall be responsible for the storage (both electronic and in written form) of all Policy/Procedure Manuals.

- Employees of the New Orleans Police Department may contact the Office of Policy and Planning to obtain copies of policies/procedures already placed in effect that are not available via NOPD.org.
- Requests for copies of a voluminous nature may necessitate the requesting individual to supply both materials and manpower for completion of the task.

PR106.3 RECOMMENDATIONS FOR NEW POLICIES/PROCEDURES

When a member submits a request or recommendation for a new policy and or procedure to the Office of Policy and Planning, his/her supervisor shall officially note the recommendation by initialing or signing the correspondence. Supervisors may not alter the recommendation. A written critique may be forwarded to the Office of Policy and Planning along with a copy of the recommendation.

Upon receipt of a recommendation, the Office of Policy and Planning shall evaluate it and prepare a written recommendation for the approval\disapproval\ recommendation(s) of the Policy Review Committee. Upon approval by the Policy Review Committee, all new policies and procedures shall be forwarded to the Superintendent of Police for approval. The Office of Policy and Planning shall notify the requesting employee in writing of the Policy Review Committee or Superintendent's decision within thirty (30) working days regarding their recommendation. An integral part of the development of procedures is effective communication and cooperation among employees of the Department. These ideals are accomplished by but not limited to the following:

- Roll call briefing where investigators and patrol exchange information relative to crime trends, wanted persons, stolen vehicles and criminal investigations are shared.
- Staff meetings (COMSTAT & Major Staff) where supervisors meet with the Superintendent of Police and Deputy Superintendents to discuss achievements, budget, case management, planning of upcoming events, personnel issues, problems, equipment needs, training, changes in directives, etc. are discussed. Each supervisor shall have the opportunity to speak freely on any subject under discussion. Constructive criticism is welcomed and is necessary for the proper operation of the Department.

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- Meetings with outside agencies to coordinate and plan special events. Attendance at meetings is mandatory with the exception of instances where sick, annual, or other forms of leave are utilized. In the absence of a supervisor scheduled to attend any form of meeting, it shall be his/her responsibility to have a replacement chosen to attend in his/her absence. In such instances of absences, supervisors shall be responsible for informing their respective subordinates of pertinent information disseminated at the meeting.

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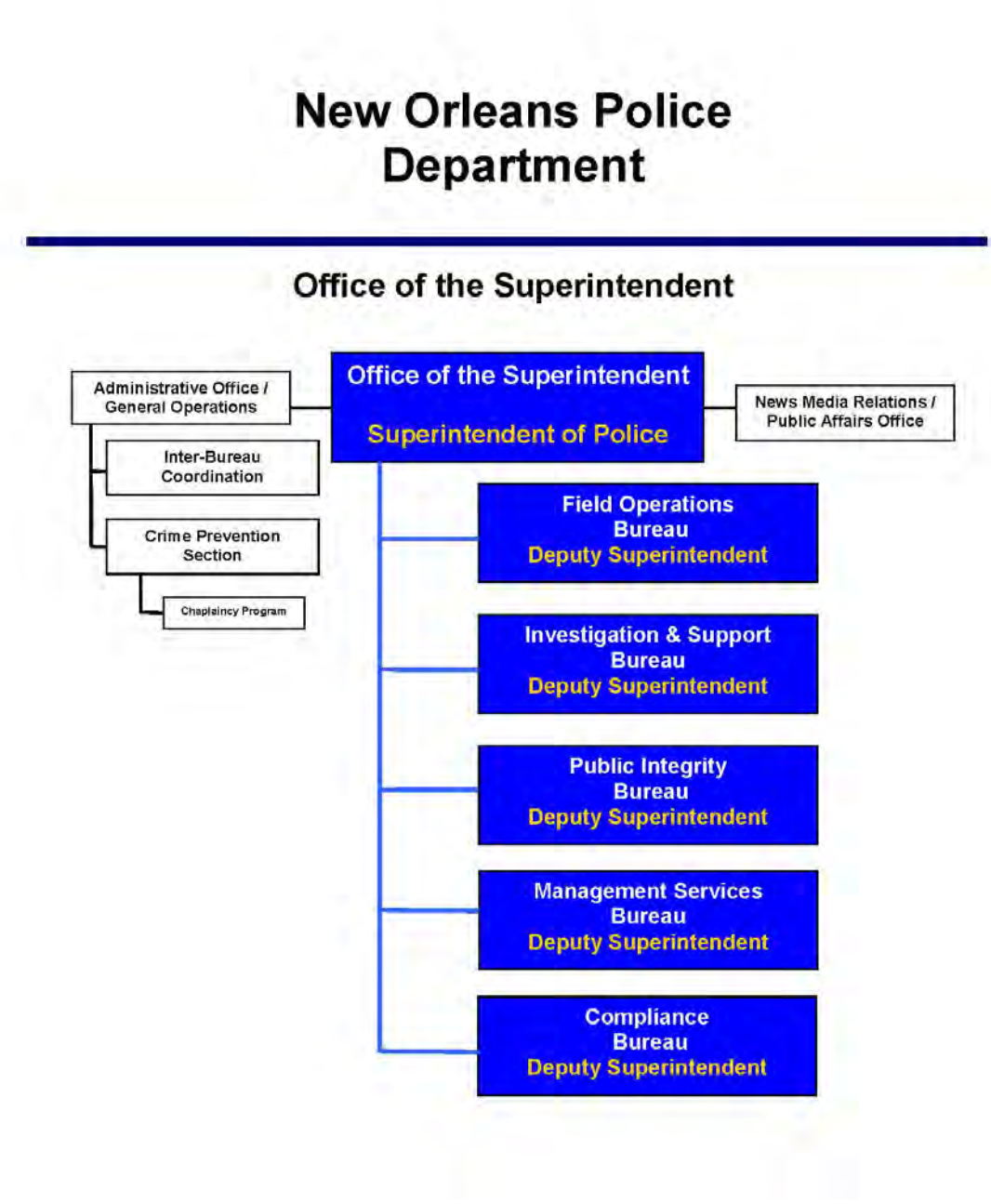
Chapter 2 - Organization and Administration

PR200

Organizational Structure and Responsibility

PR200.1 OFFICE OF THE SUPERINTENDENT

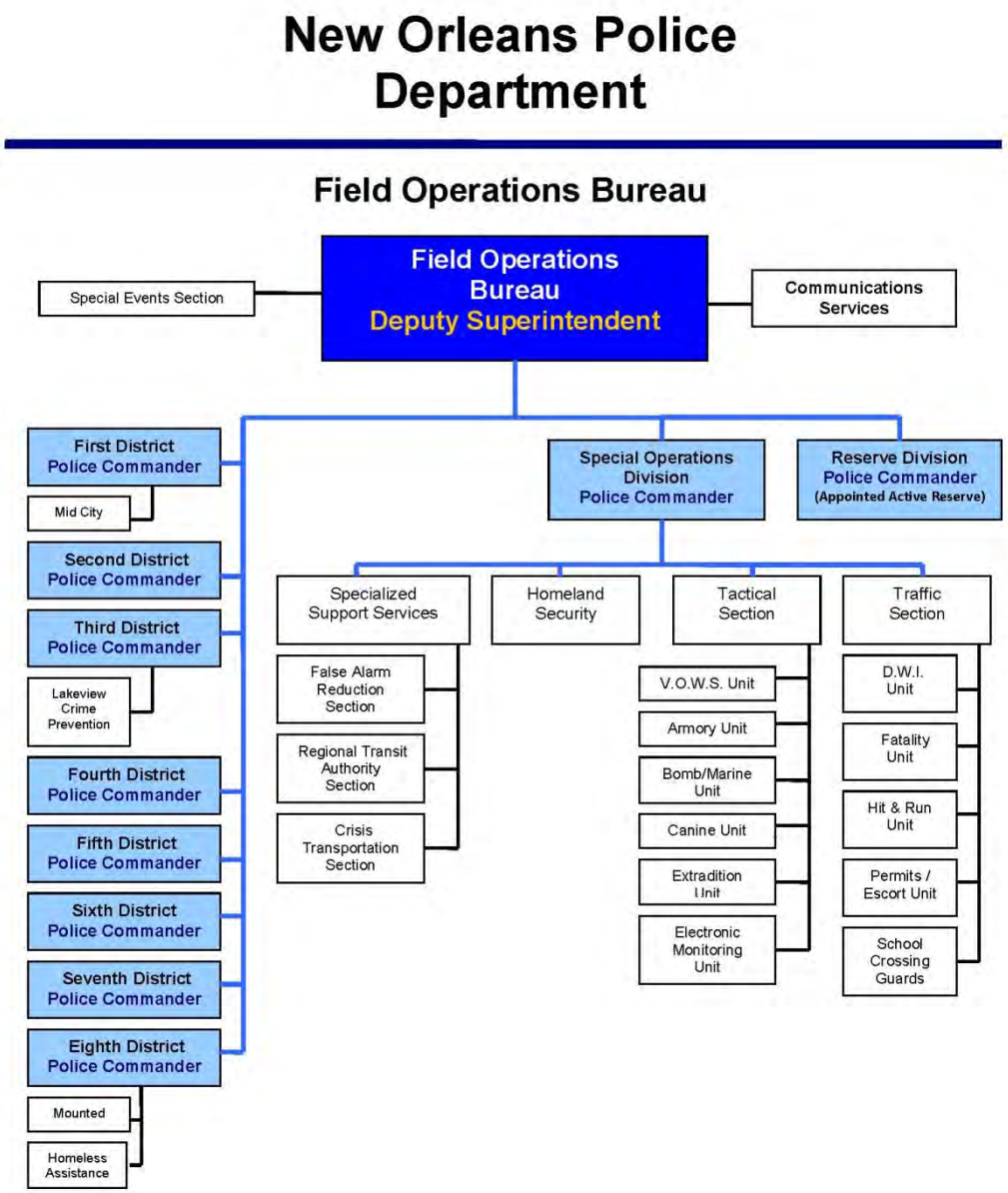
The Superintendent of Police is appointed by the Mayor. He/she is the appointing authority for the New Orleans Police Department. The Superintendent of Police is responsible for the daily management of the New Orleans Police Department. He/she is responsible for designating the Deputy Superintendents to oversee the management of designated Bureaus within the department.



PR200.2 FIELD OPERATIONS BUREAU

The Field Operations Bureau is commanded by a Deputy Superintendent who is immediately subordinate to the Superintendent of Police and who shall supervise, direct

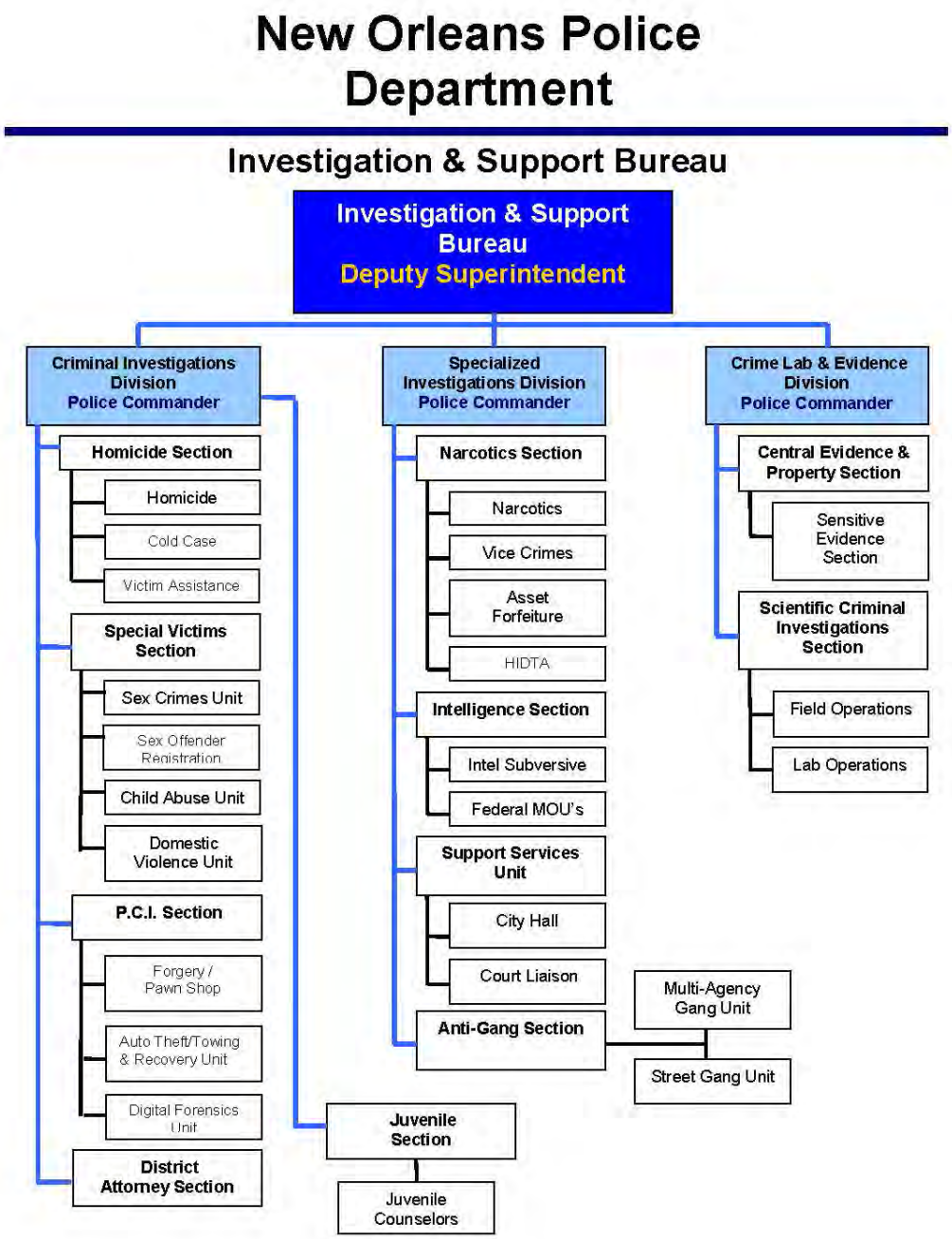
and control all of the units listed under Field Operations. The Deputy Superintendent has the responsibility of providing police services to the public. In addition to providing a police response to emergency and non-emergency calls for service, the Field Operations Bureau has the responsibility for conducting all criminal investigations, protecting life and property, preparing incident reports, handling traffic assignments, providing proactive patrols and special assignments.



PR200.3 INVESTIGATIONS AND SUPPORT BUREAU

The Investigations and Support Bureau is commanded by a Deputy Superintendent who is immediately subordinate to the Superintendent of Police. The primary function of the Investigations and Support Bureau is to provide investigative services to the public in areas of crimes against person and property.

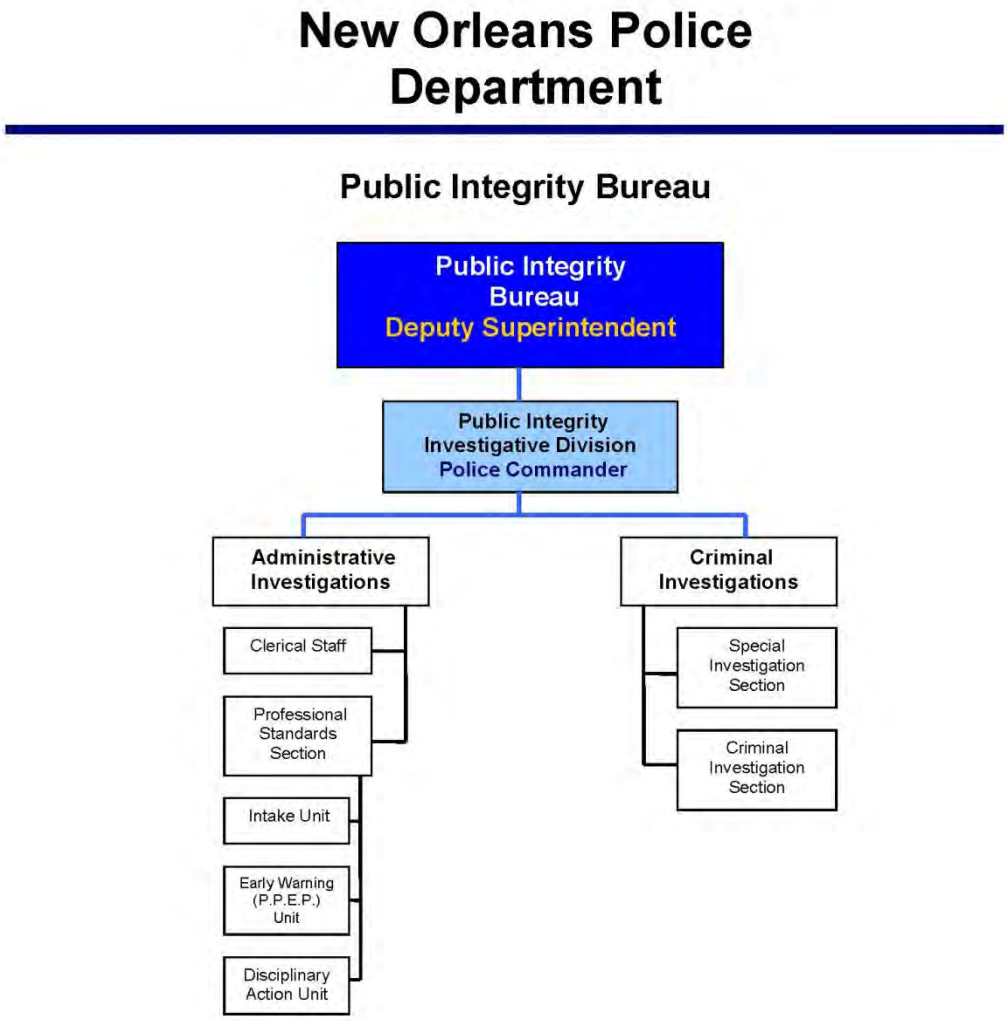
Organizational Structure and Responsibility



PR200.4 PUBLIC INTEGRITY BUREAU

The Public Integrity Bureau is commanded by a Deputy Superintendent who is immediately subordinate to the Superintendent of Police and who shall supervise, direct, and control all of the units under Public Integrity.

The Public Integrity Bureau is responsible for the fair and consistent implementation of the disciplinary process throughout the Police Department. This includes the coordination and supervision of all disciplinary investigations involving employees of the Police Department, the assignment and processing of all formal complaints, the review and approval of recommendations in all disciplinary investigations and hearings, the maintenance of all disciplinary records, the management of integrity testing and other pro-active investigative efforts, review of disciplinary records and other specified criteria to identify employees developing a pattern of citizen abuse (verbal or physical), the monitoring of Civil Service appeals, and serving as contact unit for joint Federal investigations.



PR200.5 MANAGEMENT SERVICES BUREAU

The Management Services Bureau is commanded by a Deputy Superintendent who is immediately subordinate to the Superintendent of Police. The primary function of the Management Services Bureau is to serve the citizens of New Orleans and the members of

the New Orleans Police Department by providing efficient and thorough support services. These services range from the storage and retrieval of the reports that document incidents; the maintenance of facilities; vehicles, and emergency services necessary to conduct the department's mission.

In addition to the above responsibilities, the Management Services Bureau is responsible for:

(a) managing the Department's fiscal affairs through the efforts of the fiscal management staff;

(b) ensuring the Department's collective budget request is completed in a manner consistent with the format, guidelines and timetable established by the Chief Administrative Officer of the City of New Orleans;

(c) supervising internal Departmental expenditures and related controls

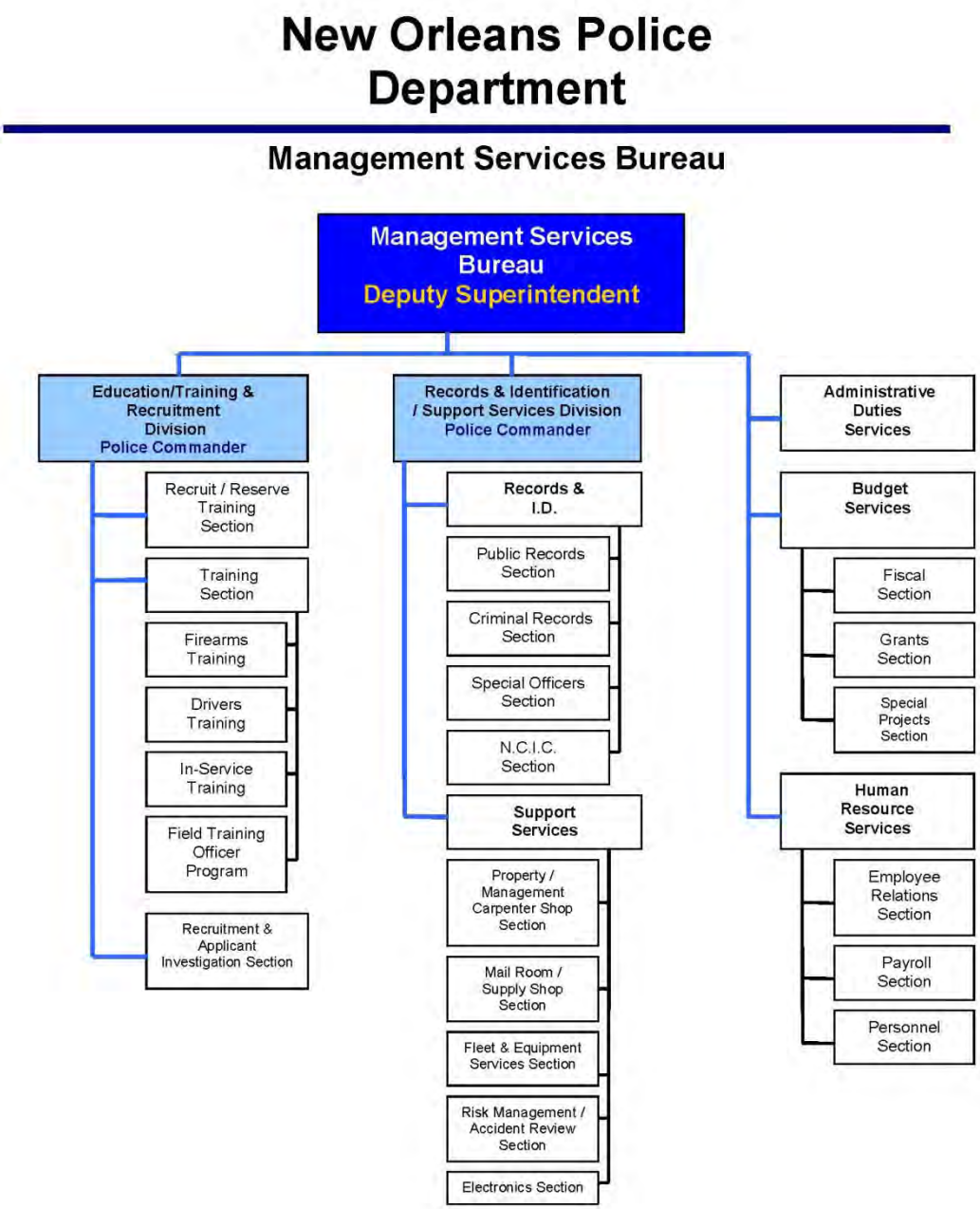
(d) supervising the proper management of federal, state and other grants received by the department;

(e) maintaining a liaison with the Department of Finance;

(f) preparing cost reports and/or cost projections associated with various special events or unforeseen special occurrences throughout the year;

(g) administering the department's personnel functions; and

(h) managing employees whose status is limited duty, extended sick, injured on duty, maternity leave or on family medical leave.

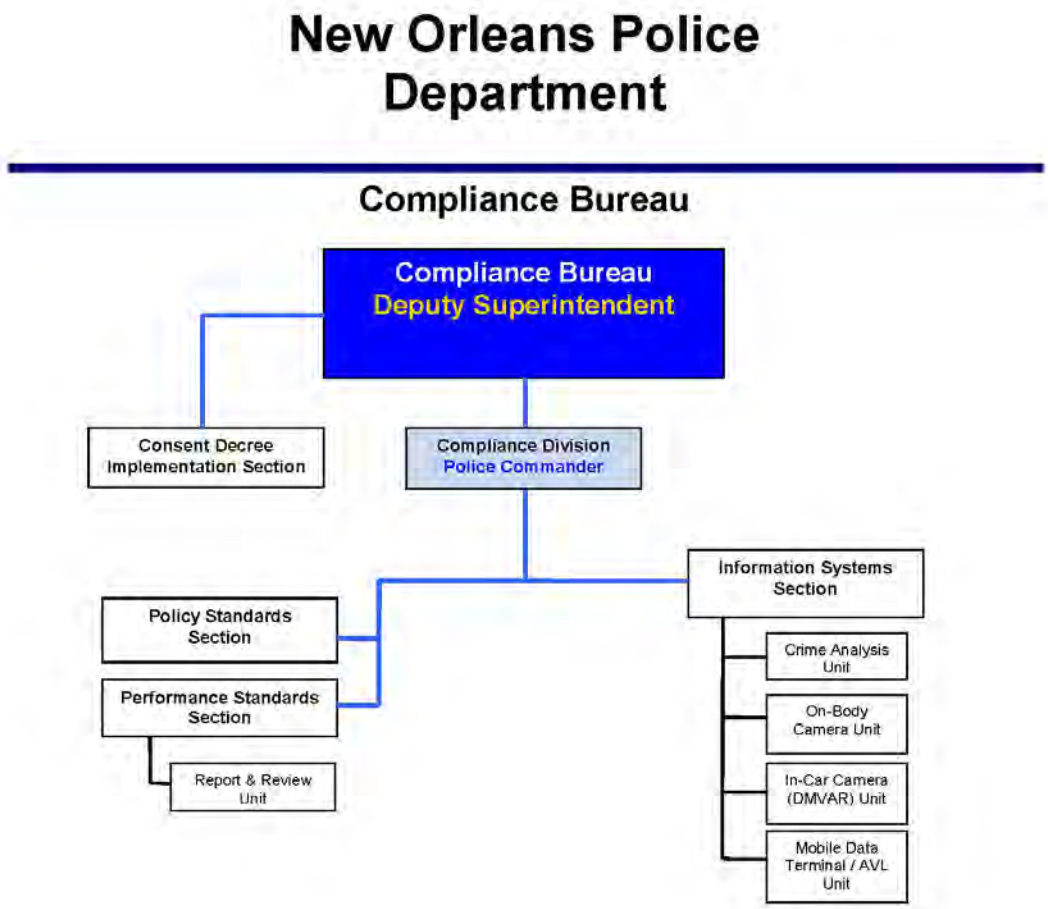

New Orleans Police Department
Management Services Bureau
Management Services Bureau
Deputy Superintendent
Education/Training & Recruitment Division
Police Commander
Recruit / Reserve Training Section
Training Section
Firearms Training
Drivers Training
In-Service Training
Field Training Officer Program
Recruitment & Applicant Investigation Section
Records & Identification / Support Services Division
Police Commander
Records & I.D.
Public Records Section
Criminal Records Section
Special Officers Section
N.C.I.C. Section
Support Services
Property / Management Carpenter Shop Section
Mail Room / Supply Shop Section
Fleet & Equipment Services Section
Risk Management / Accident Review Section
Electronics Section
Administrative Duties Services
Budget Services
Fiscal Section
Grants Section
Special Projects Section
Human Resource Services
Employee Relations Section
Payroll Section
Personnel Section

PR200.6 COMPLIANCE BUREAU

The Compliance Bureau is commanded by a Deputy Superintendent who is immediately subordinate to the Superintendent of Police and who shall supervise, direct and control all of the units under Compliance.

The Compliance Bureau is an inter-disciplinary command element of the New Orleans Police Department responsible for facilitating implementation of and compliance with the NOPD Federal Consent Decree. These duties include, but are not limited to:

1) Assist in assigning implementation and compliance related tasks to NOPD personnel, as directed by the Superintendent or his/her designee;
2) Facilitate the provision of requisite data, documents, and materials to the court appointed Federal Monitor and Department of Justice personnel;
3) Coordinate and provide necessary access to City and NOPD personnel for Federal Monitor and Department of Justice personnel, as needed;
4) Ensure that all data, documents, and records are maintained as provided in the NOPD Consent Decree Agreement; and
5) Provide advice and consul to the City of New Orleans and New Orleans Police Department on compliance and implementation issues related to the NOPD Consent Decree.


New Orleans Police Department
Compliance Bureau
Compliance Bureau
Deputy Superintendent
Consent Decree Implementation Section
Compliance Division
Police Commander
Information Systems Section
Policy Standards Section
Performance Standards Section
Report & Review Unit
Crime Analysis Unit
On-Body Camera Unit
In-Car Camera (DMVAR) Unit
Mobile Data Terminal / AVL Unit

PR204

Department Directives

PR204.1 DEPARTMENTAL ORDERS

Supervisory personnel shall have the authority to formulate and issue written guidelines as it pertains to unique operation of their particular assignment. However, no guideline shall be issued which is in conflict with any directive issued by the Superintendent of Police.

PR204.2 GENERAL ORDERS

The Policy Standards Section shall maintain control of General Order numbers. Implemented General Orders shall be maintained, both electronically and in writing, in the Policy Standards Section.

(a) Employees of the New Orleans Police Department may contact the Policy Standards Section to obtain copies of the rules, policies and procedures already placed in effect.

(b) Requests for copies of a voluminous nature may necessitate the requesting individual to supply both materials and manpower for completion of the task.

Prior to obtaining General Order numbers, the proposed order shall be submitted to the Policy Standards Section to determine if it is in conflict with any existing order. Should any conflicts be located, the proposed order will be returned to the author with a written explanation of the conflict. General Orders which affect prior issued General Orders will be canceled if a new order is issued. Under no circumstances will a General Order be issued which affects only a portion of a previously issued General Order. All components of the previously issued General Order which are to remain in affect must be listed in the new order. General Orders shall be placed on the department's intranet system located on the NOPD Web Applications page. General Orders will be reviewed and evaluated by the Office of Policy and Planning within six (6) months of issuance. If there are no revisions required, the General Order will be included in the Operations Manual within the seventh (7th) month.

(a) General Orders which affect a previously issued department regulation will cause the affected regulation to be revised and reissued within sixty days of the implementation of the General Order.

Department members shall be notified of a General Order via departmental email (mail.nola.gov). Every department member is responsible for checking their departmental e-mail account at least once during their tour of duty.

PR204.3 PERSONNEL ORDERS

Personnel Orders shall be published for, but shall not be limited to:

(a) appointments to the Department;

(b) resignations and retirements from the Department;

(c) transfers;

(d) temporary assignments of employees;

(e) promotions;

(f) hospital or other guard assignments;

(g) special leaves for Department business;

(h) appearances in courts;

(i) designations of Commanders/Directors;

(j) schedules of attendance for in service training;

(k) funeral Details; and

(l) authorized travel.

Personnel Orders shall be numbered consecutively beginning with January first of each year. The numbers shall consist of a sequence number, followed by the year of issue (i.e., 1 98, 2 98, 3 98, etc.). The sequence of Personnel Order numbers shall be maintained in the Human Resource Division during regular office hours and transferred to the NCIC during hours when the Human Resource Division is closed. Personnel Orders shall be disseminated throughout the Department by Motion Teletype Network (TTY), E-mail and by written correspondence (Form 105) when a particular order requires such distribution. Personnel Orders shall be filed permanently in the Human Resource Division.

PR204.4 SPECIAL ORDERS

Special Orders shall be issued for, but shall not be limited to:

(a) radio channel out of service, (extended period of time);

(b) special events; and

(c) directives concerning specific problems or activities, which may define or amplify already existing regulations.

Special Orders shall be numbered consecutively beginning with January first of each year. The numbers shall consist of a sequence number followed by the year of issue (i.e., 1 98, 2 98, 3 98, etc.). The sequence of Special Order numbers shall be maintained in the Human Resource Division during regular office hours and transferred to the NCIC during hours when the Human Resource Division is closed. Special Orders shall be disseminated throughout the Department by Motion Teletype Network (TTY) message, E-mail and by written correspondence (Form 105) when a particular order requires such distribution. Special Orders shall be:

(a) filed permanently in the Office of Policy and Planning, every Bureau Office, and the Human Resource Division;

(b) filed for twelve months from the date of issue in all other Divisions, Sections, Units, etc.;

(c) sent by the issuing employee to the Office of Policy and Planning for inclusion in the master file of Special Orders within three days; and

(d) effective for one year unless otherwise stated within the order specified.

PR204.5 OPERATIONS ORDERS

Operations Orders shall be issued for, but not limited to, the following events:

(a) Sugar Bowl;

(b) Mardi Gras;

(c) St. Joseph's Day Parade;

(d) NOPD Annual Memorial Mass and Inspection;

(e) VIP Security Assignment;

(f) Superbowl;

(g) Final Four;

(h) Any and all other major events or conferences.

Operations Orders shall be issued by the Superintendent of Police or his designee.

(a) Operations Orders which direct the activity of more than one Bureau shall only be issued by the Special Events Section.

(b) Operations Orders which direct the activity of only one Bureau shall be issued by that Bureau's Chief.

Activities which require the Department to prepare an Operations Order shall be reported to the Special Events Section as soon as the event becomes known. The Special Events Section shall be notified of each and every meeting for an activity which may require an Operations Order where a liaison from the Police Department is requested to be present. The Police Department's liaison shall notify the Special Events Section , in writing, of the time, date, and location of the meeting within seventy-two (72) hours of the scheduled meeting or immediately if less than seventy-two (72) hours scheduled notice. Operations Orders shall be captioned with the title of the event and the appropriate date. They shall be distributed according to the requirements of the special event. Operations Orders shall be filed permanently in the Special Events Section. The issuing authority shall be responsible for delivering the original, signed copy of the Operation Order to the Special Events Section for inclusion in the Master File. To facilitate planning, the Commander of the Special Events Section will decide when a designated member of the Division will attend scheduled meetings of activities which may require an Operations Order.

Training

PR208.1 TITLE

The Education and Training Division may designate a specific number of positions in a training class to each Department unit. In these cases, the unit commanding officer shall ensure that all allotted positions are filled. Once all personnel in a unit have been trained in a particular class or topic, the unit commanding officer shall notify the Commander of Police Education and Training Division so that unit's available positions may be reallocated.

PR208.2 REIMBURSEMENTS FOR TRAINING COSTS

All costs associated with authorized training conducted for department members will be paid from the department or city's training budget when funding is available. Included are registration or training fees, travel or mileage, meals, housing, books, materials and other relevant expenditures, in accordance with city guidelines.

PR208.3 OUTSIDE TRAINING

PR208.3.1 OUTSIDE TRAINING; ADEQUATE ADVANCE NOTICE

Whenever possible, advance funding for the anticipated costs of training provided by an outside vendor or agency shall be secured. Department members desiring to attend or selected to attend authorized outside training with sufficient advance notice shall prepare the appropriate training and travel documents. These documents shall be submitted 30 days in advance through the chain of command for proper approval and processing. At the conclusion of the training, the department member shall provide the necessary documentation of training expenses in accordance with city guidelines. Unused advanced funds shall be returned, and/or additional authorized expenditures reimbursed at this time.

PR208.3.2 OUTSIDE TRAINING: INADEQUATE ADVANCE NOTICE

Department members may desire to attend or be selected to attend authorized outside training where there is insufficient notice for advanced funding of the anticipated costs. The member may, if willing, attend the training without advance funding. These members shall prepare and submit the appropriate training and travel documents, in advance of the training, through the chain of command for proper approval and processing. At the conclusion of the approved training, the department member shall provide the necessary documentation of training expenses in accordance with city guidelines, and submit same for reimbursement.

Department members shall not attend training without prior approval from their division commander prior to the training. In those instances with inadequate advance notice, reimbursement of funds may not be guaranteed.

PR208.4 USE OF NON-ACADEMY MEMBERS AS INSTRUCTORS

The Education and Training Division shall actively seek out and retain qualified instructors, including instructors from outside the department, with expertise in areas such as law and investigations, as necessary, to supplement the skills of in-house training staff and adjunct instructors. Additionally, the Education and Training Division will incorporate experts and guest speakers such as judges, prosecutors, including representatives of the USAO, crime victims, and community members, to participate in courses at the Training Academy.

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PR208.5 LESSON PLANS - REQUIREMENTS AND GUIDELINES

Lesson plans will be prepared for all training courses conducted by the department. These lesson plans will be prepared in compliance with guidelines presented in the Federal Bureau of Investigation Instructor Development Course, and the Peace Officers Standards and Training (POST) Basic Training Manual for the State of Louisiana.

The Academy Curriculum Director will establish and oversee a formal training curriculum development and assessment process consistent with the proposed training plan. The Academy Curriculum Director shall ensure that curricula and related lesson plans are based on learning objectives that are directly linked to validated job tasks.

The Education and Training Division shall develop and implement a lesson plan template that will be used for all training courses at the department. At a minimum, each template shall include: course title; course overview; date lesson plan was created or updated; learning objectives; prerequisites (if any); course length; required materials, equipment, and facilities; safety measures required (if applicable); testing/certification, and reference list. The lesson plan shall describe content and instructional strategies in sufficient detail to ensure consistent delivery of instruction by different instructors.

The Education and Training Division shall develop and implement recruit academy curricula that follows department's training plan.

The Education and Training Division shall develop and implement in-service curricula that follows department training plan and that comprehensively address each of the subject areas in in-service training.

The Academy Curriculum Director shall review all training curricula, lesson plans, and procedures for consistency, quality, accuracy, currency, completeness, and compliance with applicable law and department policy. The Academy Curriculum Director shall ensure that a variety of adult learning techniques, scenario-based training, and problem-solving practices, in addition to traditional lecture formats, are incorporated into all training. The Academy Curriculum Director shall also ensure that all curricula, lesson plans, instructor's qualifications, and testing materials are reviewed by the Training Advisory Committee and, where appropriate, persons external to the department with expertise in the relevant lesson areas.

PR208.6 TRAINING RECORDS

The Education and Training Division Commander shall be responsible for maintaining current, accurate training records for all department members.

These training records should include, at a minimum, the type of training received, the date(s) of the training, the location of the training, the person/agency providing the training, any certificates or honors conferred, and any test scores (if applicable).

If the training is provided by the Police Education and Training Division, the Education and Training Division Commander shall be responsible for ascertaining that the member's training record reflects the training received. If the training is provided by another unit within the department, or by an outside vendor/entity, the member receiving the training shall be responsible for providing the Education and Training Division Commander with the appropriate documentation of the training. The Education and Training Division Commander shall then update the member's training record.

The Education and Training Division shall develop and implement a system that will allow the Education and Training Division to electronically track, maintain, and report complete

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and accurate records of current curricula, lesson plans, training delivered, and other training materials in a centralized electronic file system. This system shall, at a minimum:

(a) maintain training records for each recruit and each sworn member of the Department;

(b) record the course description, duration, curriculum, date and location of training, name of instructor, and the personnel who completed the training; and

(c) document officers who did not complete required training and all corrective actions taken.

The Education and Training Division shall develop and implement accountability measures, including disciplinary and non-disciplinary corrective action, to ensure that all officers successfully complete all required training programs in a timely manner.

The Education and Training Division shall document all training provided to or received by department officers, whether required or otherwise. Officers shall sign an acknowledgment of attendance or digitally acknowledge completion of training.

The department shall report training delivered and received annually. This report shall include a:

(a) description of each course, including a summary of the subject matter; the duration, date and location, the name of the instructor, and the number of persons who completed the training; and

(b) listing of all officers who completed in-service, recruit, specialized, or elective training; and

(c) listing of officers who did not complete required training and the corrective action taken for each officer.

PR208.6.1 MAINTENANCE OF TRAINING CLASS RECORDS

The department should be able to demonstrate the training it has provided to its members. The Education and Training Division Commander shall be responsible for maintaining adequate records for each class conducted by the department. These class records should include the following information:

(a) The course content, lesson plan and title;

(b) The date(s) the class was conducted;

(c) The name of the person conducting the class;

(d) The location of the class and total number of hours of instruction;

(e) The names of the members attending;

(f) The performance of members attending, as measured by tests, if administered; and

(g) A copy of the certificate awarded, if applicable.

Units, other than the Education and Training Division, which conduct training classes for department personnel shall prepare class records as indicated above. The Commanding Officer of any unit conducting a training class for department personnel shall ensure that a class record is provided, in a timely manner, to the Education and Training Division Commander.

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PR208.7 EDUCATION AND TRAINING DIVISION

PR208.7.1 COMMANDER

The Education and Training Division shall be commanded by the rank of Captain or above, whose working title shall be Education and Training Division Commander. The Education and Training Division Commander shall be subordinate to the Deputy Superintendent serving as the Chief of the Management Services Bureau.

The Peace Officers Standards and Training (POST) Council for the State of Louisiana has established minimum acceptable standards for the content of the Basic Law Enforcement training curriculum, the certification of law enforcement officers, annual recertification in certain skills areas for law enforcement personnel, and the certification of instructors. The Education and Training Division Commander shall be responsible for maintaining compliance with these standards.

The City of New Orleans may require that its law enforcement personnel receive additional instruction in course topics other than those specified in POST minimum standards. The Academy Curriculum Director shall be responsible for insuring that lesson plans are prepared, classes conducted, and proper instruction provided to the target group for additional course topics.

Other duties of the Education and Training Division Commander shall consist of the following:

(a) The Commander shall be thoroughly familiar with the requirements of the POST Council and shall insure that the Division programs fulfill these requirements as well as provide the best possible instruction in all aspects of the police function.

(b) The Commander shall supervise and guide the efforts of personnel assigned to the Education and Training Division, and shall delegate responsibility and authority as deemed necessary to insure proper functioning of the Division.

(c) The Commander shall insure that Academy instructors/staff members are informed and cognizant of their duty to perform their assignments.

(d) The Commander shall constantly evaluate the quality and quantity of work generated by the Academy instructors/staff members, and shall make recommendations when warranted and/or shall take disciplinary action when necessary.

(e) The Commander shall create and maintain high morale among the personnel of the Education and Training Division.

(f) The Commander shall be responsible for the coordination of Recruit training, In Service training, Firearms training, and any other training designated for members of the department.

(g) The Commander shall coordinate with other department Divisions/Units to provide training films, videos, and/or other training materials necessary for personnel training.

PR208.7.2 ACADEMY STAFF

The Education and Training Division shall implement the Knowledge, Skills, and Ability Protocols for all staff assigned to the Education and Training Division and all adjunct instructors within the department. Minimum qualification requirements for Academy staff shall include:

(a) Baccalaureate Degree or exceptional practical law-enforcement or subject matter expertise with at least six years of combined department service;

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(b) Successful completion of the FBI Instructor Development Course; and

(c) No 'sustained' PIB investigations within 24 months of applying for an Academy position or a pending 'open' investigation at time of application.

The Education and Training Division shall actively seek out and retain qualified instructors, including instructors from outside the department, with expertise in areas such as law and investigations, as necessary, to supplement the skills of in-house training staff and adjunct instructors. Additionally, the Education and Training division will incorporate experts and guest speakers such as judges, prosecutors, including representatives of the USAO, crime victims, and community members, to participate in courses at the Training Academy.

New and current Education and Training Division staff and department adjunct instructors shall receive 40 hours of initial training, including training on effective teaching, adult-learning techniques, curriculum development, and annual in-service training. Instructors shall use only curricula and lesson plans that have been approved by the Education and Training Division.

Instructors shall use a variety of adult learning techniques, scenario-based training, and problem-solving practices, in addition to traditional lecture formats.

Annually, the Education and Training Division shall evaluate the performance of Education and Training Division staff and all adjunct or other training instructors and shall remove staff and instructors who do not meet department criteria. The Education and Training Division shall document each evaluation using an established set of criteria.

PR208.8 ACADEMY FACILITY REQUIREMENTS

The Department and the City of New Orleans shall provide a training facility sufficient to accomplish the goals of the Academy as expressed in the sections of this policy.

A proper learning and testing environment requires that each student have adequate work space. Classroom space in the training facility shall be sufficient to accommodate the number of students participating in the recruit training program. If recruit classes are planned, in which the number of students exceeds the functional seating capacity of the existing training facility, the Department and the City of New Orleans shall secure, prior to the commencement of training, an alternate facility adequate to accommodate the number of students to be trained.

The proper maintenance of individual and class training records, as mandated in these regulations, requires adequate storage capacity, as well as administrative and clerical support. The Department and the City of New Orleans shall provide support services as shall be required for the Academy staff to accomplish the goals and mandates enumerated in these regulations.

POST Council regulations and training guidelines require that each certified Regional Training Academy provide instruction to Basic Law Enforcement trainees in Officer Survival skill areas such as Defensive Tactics, Search and Handcuffing Techniques, and Impact Weapon or Baton use. In order to prevent injury to students, a physical conditioning and training program shall precede the aforementioned Survival Skill training. The Department and the City of New Orleans shall provide indoor facilities, including lockers, showers, and conditioning and training equipment, adequate to house and accomplish this training for the number of recruits assigned to the Training Academy.

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The Academy, with the assistance of the Department and the City of New Orleans, shall maintain a library of manuals, reference materials, video tapes, and other training materials as may be required to enable or facilitate the adequate training of all commissioned Department personnel.

POST Council regulations and training guidelines require that each certified Regional Training Academy provide instruction to Basic Law Enforcement trainees in Firearms use. The POST Council also requires that each POST certified law enforcement officer successfully complete an annual POST firearms re-qualification course. The Academy, with the assistance of the Department and the City of New Orleans, shall maintain a firing range suitable for this purpose. The firing range shall have an adequate number of turning targets, adjustable for shooting distance. The firing range shall also have provision for stress, target identification, and reaction courses of fire.

The Academy, with the assistance of the Department and the City of New Orleans, shall maintain a paved driver training track. The driving surface area of this track shall be adequate to properly accomplish tactical driver training in accordance with the National Academy for Professional Driving course standards.

The Municipal Training Academy is a POST certified Regional Training Academy. The Academy provides, at a minimum, the POST Basic Law Enforcement training curriculum to all department new hires. The Academy also makes this training available to personnel hired by other law enforcement agencies in the surrounding area.

PR208.9 OUTSIDE ACADEMY - ADDITIONAL TRAINING FOR PERSONNEL

The Municipal Training Academy is a POST certified Regional Training Academy. The Academy provides, at a minimum, the POST Basic Law Enforcement training curriculum to all department new hires. The Academy also makes this training available to personnel hired by other law enforcement agencies in the surrounding area.

PR208.10 TRAINING EVALUATION

The Commander of the Education and Training Division shall ensure that a process is in place for the collection, analysis, and review of data to document the effectiveness of training and to improve future instruction, course quality, and curriculum. This process shall measure and document student reaction to and satisfaction with the training they received; and student learning as a result of training, including the extent to which students are applying the knowledge and skills acquired in training to their jobs.

The Commander of the Education and Training Division shall develop and implement documented and approved testing policies and procedures to ensure that all testing is valid, reliable, and fair. Both knowledge-based and performance-based tests shall be designed, developed, administered, and scored according to established professional standards of practice. All tests shall be job-related, testing knowledge and skills required for successful job performance.

PR208.11 RECRUIT TRAINING

PR208.11.1 BASIC TRAINING REQUIREMENTS FOR POLICE RECRUITS

The Education and Training Division shall develop and implement a recruit training program that comports with the department's written training plan.

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The Education and Training Division shall modify the amount and content of recruit academy training to comport with its written training plan. The Education and Training Division shall provide recruits with at least 880 hours of academy instruction.

The Education and Training Division shall ensure sufficient recruit academy instructional hours in the following specific areas:

(a) appropriate use of force;

(b) stops, searches, and arrests;

(c) bias-free policing and community/problem-solving policing;

(d) Domestic Violence

(e) investigations, including crime scene investigations and investigative techniques;

(f) ethics, including preventing and reporting misconduct and peer intervention;

(g) crisis intervention;

(h) crowd control, including consistent application of field-force tactics and crowd management;

(i) report writing;

(j) recognizing, taking, and responding to allegations of misconduct received in the field;

(k) statutory law, including definitions of specific offenses, and scenario-based exercises to determine the specific elements of offenses; and

(l) how to communicate with LEP individuals in commonly encountered scenarios.

Recruit training shall be structured so that instruction is delivered in logical progression, to ensure that each skill or unit builds on previous skills or units. Training modules will be scheduled so that recruits become proficient in fundamental tasks before progressing to more advanced skills and activities.

Recruit training shall incorporate training on constitutional and statutory law; ethical decision making; community policing; de-escalation of force; and bias-free policing throughout the course of the recruit training academy. Recruit training shall reinforce legal concepts in the context of instruction on interviewing and interrogation, crime scene processing, and report writing.

Recruit training shall use problem-based learning and scenario-based exercises throughout the course of the recruit academy. Scenario-based exercises shall have specific training objectives, and achievement shall be evaluated in multiple areas, such as constitutional and statutory law, officer safety, DEPARTMENT procedures, and report writing. Recruits shall be required to produce actual reports and statements at the end of scenario-based exercises.

The recruit academy shall intersperse skills training in areas such as driving, firearms, and defensive tactics throughout the course of the recruit training academy, to allow recruits to develop and reinforce these skills over time.

Recruit candidates shall not be added after the first week of the recruit training academy.

To ensure continuity of training, the recruit academy shall minimize interruptions to recruit academy training for the purpose of staffing special events and other functions. This does not preclude the use of recruits for Mardi Gras-related service functions or in case of emergencies.

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The recruit academy shall be sufficiently staffed to effectively train recruits, and that the deployment of recruit academy staff to cover patrol shifts or other duties does not disrupt training activities. This does not prohibit academy staff from working 'Mission' patrols. Recruit classes shall not exceed 30 candidates per class.

The recruit academy shall provide recruits and officers with appropriate training facilities to ensure adequate access to safe and effective training.

PR208.11.2 BASIC TRAINING REQUIREMENTS FOR LATERAL ENTRY OFFICERS

New hires participating in the Department's Lateral Entry Program shall have POST or their state equivalent certification as a law enforcement officer. These applicants shall have practical law enforcement experience of sufficient quantity and quality as to merit a substantial reduction in the number of training hours required.

Lateral entry applicants successfully completing Academy training shall participate in the Field Training Officer Program. Applicants who fail to successfully complete the Academy lateral training program or the Field Training Officer Program will be demoted to recruit status. They will be placed in the next regularly scheduled recruit training class, and will be required to successfully complete all aspects of the Recruit Training Program and the Field Training Officer Program.

(a) **LOUISIANA APPLICANTS**: Lateral entry applicants who maintain current Louisiana POST certification as law enforcement officers shall receive additional training in those areas deemed appropriate by the Appointing Authority. This training shall address areas of high liability, as well as those areas of concern for the citizens of our community.

(b) **OUT OF STATE APPLICANTS**: Lateral entry applicants who maintain current law enforcement officer certification from states other than Louisiana shall provide documentation of certification and a description of their Basic Law Enforcement training curriculum. This documentation shall be submitted for evaluation by the Louisiana POST Council. If approved, the applicant will receive training consistent with POST guidelines for out of state transferees, in addition to that training deemed appropriate for lateral entry officers by the Appointing Authority.

PR208.12 ORIENTATION FOR NEW HIRES

It shall be the policy of the New Orleans Police Department to have each new incoming law enforcement employee properly oriented to the department, to the law enforcement profession, and to the Police Education and Training Division.

PR208.12.1 DEPARTMENT ORIENTATION

The Personnel Section shall conduct an orientation session for all newly hired law enforcement employees of the department. This orientation shall be accomplished prior to the new hire's assignment to the Academy for training purposes. This orientation shall include, at a minimum, information on:

(a) The department's role, purpose, goals, policies and procedures;

(b) Working conditions and regulations; and

(c) The responsibilities and rights of employees.

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PR208.12.2 ACADEMY ORIENTATION

The Academy staff shall conduct an orientation session for each new class or group of law enforcement trainees as soon as possible after the commencement of the class or group's training program. This orientation shall include, at a minimum, the information on:

(a) The organization of the Academy;

(b) The Academy's rules and regulations;

(c) The Academy's rating, testing and evaluation system;

(d) The Training Curriculum standards and guidelines;

(e) Physical fitness and proficiency skill requirements; and

(f) An example of the daily training schedule.

PR208.12.3 ACADEMY ORIENTATION HANDBOOK

The Academy staff shall issue on orientation handbook to each newly hired law enforcement trainee as soon as possible after the trainee's assignment to an Academy training program. This handbook shall contain, at a minimum, information on:

(a) The organization of the Academy;

(b) The Academy's rules and regulations;

(c) The Academy's rating, testing and evaluation system;

(d) The Training Curriculum standards and guidelines;

(e) Physical fitness and proficiency skill requirements; and

(f) An example of the daily training schedule.

PR208.13 COMPOSITION OF RECRUIT TRAINING CURRICULUM

The recruit training program, as taught by the Police Education and Training Division, includes at a minimum:

(a) A curriculum based on tasks of the most frequent assignments of officers who complete recruit training; and

(b) The use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.

The recruit curriculum is based on POST Basic Law Enforcement training guidelines. It includes all areas and courses mandated by the Louisiana POST Council. In addition, the training curriculum also includes topics of instruction designed to meet the needs of the community and to address those areas of high agency liability, as determined by the Superintendent of Police or the elected representatives of the City of New Orleans. The curriculum content ensures that new officers will be comprehensively trained in all areas of law enforcement.

PR208.13.1 CURRICULUM GUIDELINES

The recruit curriculum includes instruction in all of the following areas:

(a) Orientation to the Criminal Justice System;

(b) Legal Aspects, which includes Criminal Procedure and Criminal Statutes;

(c) First Aid, including adult and child CPR;

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(d) Firearms, which includes History, Shooting Fundamentals, Range Practice, POST qualification, Gas and Shotgun Orientation, and Legal and Moral Responsibility;

(e) Investigations;

(f) Report Writing;

(g) Traffic Services, which includes Motor Vehicle Laws and Enforcement, as well as Accident Investigation

(h) Patrol Activities, which includes Observation and Perception, Methods of Patrol, Crimes in Progress, Tactical Police Driving, Vehicle Stop Tactics, Violent Crimes, Unusual Occurrences, and Hazardous Materials;

(i) Bias Free Policing

(j) Domestic Violence

(k) Specialized Activities;

(l) Officer Survival, including Baton Training, Search/Handcuffing/Arrest Techniques, Weapon Retention, Defensive Tactics, Physical Training and the Use of Force Continuum;

(m) Police Community Relations, including Police Ethics, Police Role in Society, Minority Relations, Building Respect for the Police, Crime Prevention, and Situational and Impartial Law Enforcement;

(n) Human Dimensions, such as Conflict Resolution, Sensitivity Training, Victimology, Criminology; and

(o) Courtroom testimony and protocol.

PR208.13.2 EVALUATION METHODS

The method of evaluation for courses taught as part of the recruit curriculum may be a written examination or a performance exercise. Written examinations may be objective, subjective, or a combination of both methods. If a written examination or performance exercise is used as a method of evaluation, a pass/fail cutoff score will be established. Members participating in the class will be advised of the cutoff score, prior to the evaluation process.

In order to complete the academic Phase I training, be eligible for the POST Examination, and transition to Phase II of Recruit training, each recruit must:

(a) Successfully complete each major area of instruction, and pass the area final examination with a minimum score of 70%;

(b) Successfully complete each practical skill area of instruction, passing the final examination and skill demonstration test according to the following;

(c) Firearms: 70% minimum for written exam; 80% minimum on POST Firearms Qualification course;

(d) Tactical Police Driving: 70% minimum for written exam; 70% composite score for N.A.P.D. practical exercises;

(e) First Aid and CPR, as set forth by the American Red Cross: Demonstrate the ability to perform each skill to standards without guidance or assistance; 80% minimum score on final written exam;

(f) Physical Training: Achieve a minimum of 30% of I.A.R. standards in the areas of flexibility, muscular strength and endurance, and cardiovascular endurance;

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(g) Impact Weapons: 70% minimum on written exam; 70% on practical skill test for baton use;

(h) Searching and Handcuffing Techniques: 70% minimum on written exam; 70% on practical skill test;

(i) Defensive Tactics: 70% minimum on written exam; 70% on practical skill test; and

(j) Successfully complete all Report Writing Areas:

1. Traffic Accident Investigation Reports: 70% minimum average.
2. Incident Investigation Reports: 70% minimum average.

The POST Council requires that each person in a Basic Law Enforcement training program, in order to be eligible to take the State Certification Examination, must:

(a) successfully complete each major area of instruction;

(b) qualify during firearms training with a minimum score of 80% on the POST qualification course;

(c) achieve a minimum of 30% in each area of physical training evaluation; and

(d) qualify for graduation from a state certified training academy.

PR208.14 IN-SERVICE, ROLL-CALL AND ADVANCE TRAINING

PR208.14.1 ANNUAL RE-TRAINING PROGRAM REQUIREMENTS

Each commissioned member of the department shall participate in training and recertification programs on an annual basis or as otherwise instructed.

PR208.14.2 FIREARMS RECERTIFICATION

Commissioned members of the Department shall successfully complete firearms re-qualification on an annual basis, in compliance with POST guidelines. Qualification schedules shall be based on employee's birth month. It shall be incumbent upon each member to schedule and complete annual firearms re-qualification during that member's birth month.

In no case will an extension be granted which violates the POST Council eighteen month re-qualification time limit rule.

PR208.14.3 ROLL CALL TRAINING

In addition to their other duties, department supervisors have a responsibility to enhance and improve their subordinates' skills, expertise and knowledge whenever possible. The unit roll call session affords supervisors excellent opportunities to provide additional training. A properly managed and supervised roll call training regimen may be a useful element of agency training. The goal of this training should be to keep officers up to date between formal training sessions. To be useful, the roll call training program should be well structured and reflect the needs of the department, while being flexible enough to fit into a roll call setting.

Platoon supervisors shall be responsible to insure that roll call sessions are used for training purposes as often as possible.

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PR208.14.4 RULES, POLICIES AND PROCEDURES

Changes are made periodically in the official guidelines regarding the manner in which the department and its personnel conduct department operations. The City of New Orleans, the Department, a particular Bureau, or an individual unit may issue these guidelines. Bureau and unit policies shall not be in conflict with the rules, policies and procedures of the department.

Whenever additions, modifications or deletions are made to City, Department, Bureau, or Unit rules, policies or procedures which affect the manner in which the department or its personnel operate, the unit supervisor shall be responsible for the timely and appropriate distribution of the revised guidelines. The unit supervisor shall also be responsible for training, in a roll call or other appropriate setting, the members of the supervisor's unit. This training shall communicate the content of the guideline changes, as well as the effect said changes may have on the operation of the unit or its individual personnel.

PR208.14.5 PERTINENT LEGAL UPDATES

Changes are made periodically in the criminal statutes and procedures of the State of Louisiana and the City of New Orleans. Whenever the City Attorney, District Attorney, or other legal advisory entity within city government or the Department is made aware of pertinent changes to statutes or procedures, a copy of the changes and an evaluation of the effect of the changes should be immediately forwarded to the commander of the Police Education and Training Division.

The Commander of the Academy or his designee shall insure that these pertinent changes to statutes or procedures are distributed in an appropriate and timely manner throughout the department.

Unit supervisors shall be responsible for the timely and appropriate distribution of these revised statutes and/or procedures to unit personnel. The unit supervisor shall also be responsible for ensuring training, in a roll call or other appropriate setting, of personnel under his supervision.

This training shall communicate the content of the statute and/or procedure changes, as well as the effect the changes may have on the operation of the unit or its individual personnel.

PR208.14.6 MISCELLANEOUS TOPIC TRAINING

Training materials that can be used to improve officer expertise in law enforcement areas such as report writing, investigations, officer survival techniques, interview techniques, et cetera, may be made available through the Academy or other sources. District or unit training supervisors should review available sources for materials that may be used in the training of their unit personnel. Acceptable or pertinent materials should be made available to unit supervisors for inclusion in the unit roll call training sessions.

Unit supervisors shall use available pertinent materials in preparing and conducting roll call training for their subordinates.

PR208.14.7 DOCUMENTATION OF ROLL CALL TRAINING

Each unit, section, and division commander shall ensure that proper documentation is maintained in their command of the date, time, and content of roll call training held by supervisory personnel under their supervision.

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PR208.14.8 DOCUMENTATION OF TRAINING SESSIONS CONDUCTED

The unit or platoon commander shall be responsible for maintaining documentation of all training provided to unit subordinates. This file shall contain, for each training session conducted, the nature of the training, a gist of the training lesson, the person conducting the training, the date and time of the training, and the names and identifying numbers of the members attending the training.

PR208.14.9 IN-SERVICE TRAINING

The Education and Training Division shall implement a mandatory annual in-service training program that follows the department's written training plan. The Education and Training Division shall provide at least 64 hours of in-service training to each officer annually. In-service training will be comprised of a 40-hour core curriculum and 24 hours of additional elective training. Specialized training for officers in certain units or assignments (such as the initial 40-hour training for specialized CIT officers)) shall be considered additional elective training.

Core-training requirements shall be created for the following positions: officers; command staff; lieutenants and sergeants; detectives; narcotics investigators; and specialized units.

The Education and Training Division shall develop, and implement a comprehensive roll-call training program. Roll-call training shall be provided at the beginning of each shift. Roll-call training shall include special topics selected by the Education and Training Division Commander or District Commanders that address officer safety, readiness, community concerns, or departmental procedural matters.

PR208.14.10 TRAINING LIAISON AND TRAINING COORDINATOR

The Education and Training Division shall have a full-time department-wide training liaison position within the Division. There shall be a single training coordinator in each district/division/unit to coordinate and document training. The Training Liaison shall establish and maintain communications with each district/division/unit training coordinator to ensure that all officers complete training as required and that documentation of training is provided to the Education and Training Division.

PR208.15 SPECIALIZED IN-SERVICE TRAINING

PR208.15.1 FUNCTIONS REQUIRING SPECIALIZED TRAINING

Many of the positions within the New Orleans Police Department require specialized training, either prior to an employee being assigned to the position, or as part of a continued training program within the employee's assignment. Specialized training is intended to provide more than basic on the job training. The training should be based on the tasks required of the specialized assignment, and should be closely coordinated with experienced personnel currently assigned to the specialized assignment.

Department members assigned to the following positions will receive relevant specialized training:

(a) Bureau / Division / District Commanders;

(b) Public Integrity Bureau

(c) Investigators;

(d) Patrol Shift Commanders / Supervisors;

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(e) Canine / Mounted Officers;

(f) Crime Scene Evidence Technicians;

(g) Juvenile Officers;

(h) Crime Prevention Officer;

(i) Fatality Investigators;

(j) Academy Staff Instructors;

(k) Motorcycle / DDACT Officers;

(l) DWI Enforcement Officers;

(m) Field Training Officers;

(n) Explosive Ordinance Personnel;

(o) Diving Unit Personnel;

(p) Special Weapons and Tactics Officers;

(q) Hostage Negotiators;

(r) Narcotics and Vice Enforcement Officers;

(s) Fingerprint Identification Officers; and

(t) Public Information Officers.

The specialized training shall include, at a minimum:

(a) Development and/or enhancement of the skills, knowledge and abilities particular to the specialization;

(b) Management, administration, supervision, personnel policies and support services of the specialized function;

(c) Performance standards of the specialized function;

(d) Agency policies, procedures, rules and regulations related to the specialized functions; and

(e) Supervised on the job training with experienced specialized personnel.

The specialized training may be conducted by the commander of the unit to which the member is assigned, by an outside vendor/entity, or by the Academy. If training is conducted by the member's unit commander, the commander shall forward copies of the training documentation to the Commander of Police Education and Training for inclusion in the member's training file. If the training is conducted by an outside vendor/entity, the member receiving the training shall provide documentation of the training received to the Commander of Police Education and Training. If the training is conducted by the Academy, the Commander of the Academy shall assume the responsibility for including the training documentation in the member's training file.

PR208.16 SWAT UNIT - MANDATORY TRAINING/READINESS EXERCISES

Members of the Department assigned to the Special Weapons and Tactics (SWAT) Unit shall receive specialized training immediately upon assignment to the unit. The Commander of the SWAT Unit shall devise and implement a training program for newly assigned members of the unit. The training shall be sufficient to enable all members to function capably and competently in their required specialties.

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The SWAT Unit Commander shall also devise and implement a continuing training program for his unit. This training shall address the specific needs of personnel assigned to a tactical response unit. Members shall be required to maintain physical conditioning levels appropriate to the performance of their duties. Weapons proficiency shall be stressed. Unit members shall practice and demonstrate proficiency with the required weapons according to a schedule established by the unit commander.

The unit commander will schedule periodic training exercises involving operational simulations. These exercises may include joint training operations with other law enforcement agency SWAT units.

The unit commander will maintain sufficient team members who have been trained in hostage negotiation techniques.

Specialized training records for all members of the SWAT unit shall be maintained by the unit commander. Copies of each member's specialized training records shall be forwarded by the unit Commander to the Commander of Police Education and Training for inclusion in the member's permanent training file.

PR208.17 CIVILIAN TRAINING

PR208.17.1 ORIENTATION FOR NEW CIVILIAN HIRES

It shall be the policy of the New Orleans Police Department to have each new incoming civilian employee properly oriented to the Department. The Human Resource Management Division shall conduct an orientation session for all newly hired civilian employees of the Department. The orientation shall include, at a minimum, information on:

(a) The Department's role, purpose, goals, policies and procedures;

(b) Working conditions and regulations; and

(c) The responsibilities and rights of employees.

PR208.17.2 CIVILIAN POSITIONS REQUIRING PRE-SERVICE/IN-SERVICE TRAINING

The Department has a responsibility to train those civilians it employs. In many cases civilian employees are the first Department representatives encountered by the public. The citizens of the community form an impression of the Department from the employees who represent it.

The Department shall provide interpersonal skill and telephone courtesy training for those civilian employees who encounter the public as in person or telephone representatives. Supervisors shall closely monitor the conduct of those civilian personnel assigned to their command who interface with the public on a regular basis. Personnel whose interpersonal skills are at unacceptable levels shall be documented, and re-mediated or dismissed, depending on the employee's work record.

Certain civilian employee positions require additional specialized training:

(a) Communications employees:
    1. 911 operators and
    2. dispatchers

(b) Records and Identification personnel;

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(c) NCIC personnel;

(d) Data Systems personnel;

(e) TRACE operators;

(f) Central Evidence and Property personnel;

(g) Crime Laboratory personnel;

(h) Electronic Division personnel; and

(i) Fleet Management personnel.

PR208.18 SKILL DEVELOPMENT FOR NEW PROMOTEES

Newly promoted department personnel are required to function competently in new assignments with different responsibilities requiring new sets of skills. The department shall, through the Police Education and Training Division, provide to all newly promoted members special skills training commensurate with the responsibilities of the position to which the member has been promoted. This training shall, whenever possible, be provided prior to the promotion of the member. If said training cannot be provided prior to promotion, it shall be provided as soon as practical after the member's promotion.

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Administrative Communications

PR214.1 OFFICIAL CORRESPONDENCE

NOPD letterhead stationery shall be used only for official department correspondence which is directed outside of the City of New Orleans, Department of Police. Employees shall not provide blank NOPD letterhead stationery to any person who is not an employee of the Department. All outgoing correspondence shall be in the following format:

(a) Center the date under the letterhead.

(b) Place the reference number, if any, in the upper right hand corner, under the Superintendent's name.

(c) Place the inside address and salutation at the left hand margin.

(d) If an item number applies to the correspondence, place it in the RE: section at the left hand margin between the inside address and the salutation. The subject of the correspondence may also be placed in the RE: section.

(e) Indent the first word of each paragraph in the body of the letter five (5) spaces from the margin.

(f) Place the closing on the right hand side of the page. The closing is, "Sincerely," followed by the typed name of the Superintendent, followed by his title. Underneath the Superintendent's title, type "BY:" name, and job title of the employee who wrote the letter, no less than ½ inch below the Superintendent's title.

(g) At the left hand margin, type the Superintendent's initials, the initials of the employee who wrote the letter, and the initials of the typist. Use no more than three (3) sets of initials.

(h) If applicable, the enclosure and attachment section follows the initials section. Give the number of each.

(i) The copy (cc:) section follows the attachment or enclosure section. List the name of each person receiving a copy of the letter. Always include a cc: to Central Files.

(j) Use plain, bond paper for second and subsequent pages.

(k) If a supervisor's approval is required to send the letter, the approval will be recorded on the sender's office copy, not on any outgoing letter or copy.

(l) The sender will forward a copy of all outgoing correspondence to the Superintendent's Office (Central Files), omitting the attachments or enclosures.

Write all outgoing correspondence in the first person plural (we) or the third person singular (The Department). Do not use the first person singular (I).

PR214.2 INTER-OFFICE CORRESPONDENCE

Interoffice correspondence directed to superiors shall be directed through the chain of command with a signature line for each intervening Supervisor in the chain of command.

When properly directed through the chain of command, reviewing Commanders / Directors shall forward the interoffice correspondence.

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Interoffice Correspondence shall be distributed to the employees of the Bureau, Division, Section, or Unit to whom it applies. Bureaus, Divisions, Sections and Units shall maintain files of their own interoffice correspondence.

The correspondence shall be stated as brief as possible. Content shall be concise and narrowly directed toward the subject matter.

Nothing in this procedure shall prohibit a member from directing an Interoffice Correspondence directly to a Bureau Deputy Superintendent or to the Superintendent for the purpose of documenting misconduct of any employee of the Department, relaying confidential information, or citing grievances.

PR214.3 INFORMATION BULLETINS

Information Bulletins shall be distributed by Motion Teletype Network (TTY) and shall be maintained down to the Unit Level for a period of one (1) month.

The employee sending an Information Bulletin shall send a copy of the original document to the Office of Policy and Planning for inclusion in the permanent master file of Information Bulletins.

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Chapter 3 - General Operations

Use of Force

PR300.1 USE OF FORCE PRINCIPLES

Use of force by NOPD officers, regardless of the type of force or weapon used, shall abide by the following requirements:

(a) Officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force.

(b) Force shall be de-escalated immediately as resistance decreases.

(c) When feasible based on the circumstances, officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units, in order to reduce the need for force and increase officer and civilian safety.

(d) Officers shall allow individuals time to submit to arrest before force is used wherever possible.

(e) Officers shall not use neck holds, except where lethal force is authorized.

(f) Officers shall not use head strikes with a hard object, except where lethal force is authorized.

(g) Officers shall not use force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, or as objectively reasonable, where physical removal is necessary to overcome passive resistance.

(h) Officers shall not use force above un-resisted handcuffing to overcome passive resistance, except that physical removal is permitted as necessary and objectively reasonable.

(i) Un-holstering a firearm and pointing it at a person constitutes a use of force, and shall accordingly be done only as objectively reasonable to accomplish a lawful police objective.

(j) Officers shall not use force to attempt to effect compliance with a command that is unlawful. Any use of force by an officer to subdue an individual resisting arrest or detention is unreasonable when the initial arrest or detention of the individual was unlawful.

(k) Immediately following a use of force, officers and upon arrival, a supervisor shall inspect and observe subjects for injury or complaints of pain resulting from the use of force, and immediately obtain any necessary medical care. This may require an officer to provide emergency first aid until professional medical care providers are on the scene.

(l) Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that a situation may escalate to the point where lethal force would be authorized.

PR300.2 GENERAL INFORMATION

The **decision** to resort to force to accomplish a lawful police objective must be reasonable. Officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force.

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The **degree** of force used must be reasonable, and necessary, and in a manner that avoids unnecessary injury to officers and civilians. The officer may only use enough force to overcome the amount of resistance or aggression met. When such resistance or aggression is reduced, the officer must correspondingly and immediately reduce the degree of force he/she is applying, or the use of force is **NOT** legal.

The unreasonable use of force will subject officers to discipline, possible criminal prosecution, and/or civil liability. Officers who use or observe force and fail to report it shall be subject to disciplinary action, up to and including termination.

There are a number of non-lethal skills and equipment which are authorized for use when necessary to accomplish valid police objectives.

(a) Verbal communication and/or persuasion are a basic defensive tactic.

(b) Bodily force, including hands, fists, and feet may be used in a variety of situations depending upon the individual officer's skill, and the circumstances. If injuries result from the use of bodily force, the arresting officer shall handle the injured subject in accordance with current departmental regulations and the supervisor shall submit a Resisting Arrest Report along with an incident report through the chain of command.

(c) The baton is an intermediate level of force. The side handle baton or expandable baton is capable of causing serious injury. The officer must complete Departmental training before using the side handle baton or expandable baton. If injuries result from the use of the baton, the arresting officer shall handle the injured subject in accordance with current department regulations and the supervisor shall submit a Resisting Arrest Report along with an incident report through the chain of command.

In all instances where physical force is used to control an individual and the individual is injured or complains of injury, the supervisor shall complete a use of force report covering the circumstances surrounding the incident. A copy of the report shall be forwarded to the Public Integrity Bureau within twenty-four (24) hours of its approval by a supervisor.

Unnecessarily or prematurely drawing or exhibiting a firearm constitutes a use of force and it limits an officer's alternative's in controlling a situation, creates unnecessary anxiety on the part of the citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm.

An officer shall exercise extreme caution with respect to use of deadly force. In all cases, only the minimum degree of force which is necessary shall be used, and every other available alternative shall, if feasible, shall be exhausted before deadly force is applied if feasible.

PR300.3 INSTRUCTIONS - GENERAL

Officers who use or observe force shall notify their supervisors immediately following any use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any officer. Officers who use or observe force and fail to report it shall be subject to disciplinary action, up to and including termination.

Personnel may delay compliance with the provisions of this policy/procedure if the scene is unstable, there is community unrest, or other conditions make immediate compliance impracticable. The protection of Department personnel, the public, and the maintenance of public safety shall remain the priority. The approving supervisor shall ensure the reason for

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the delay is documented in the Use of Force Report. Such compliance delays are subject to review by the Use of Force Review Board.

PR300.3.1 GENERAL INSTRUCTIONS - SUPERVISOR

When notified of a Level 3, or 2 use of force, the supervisor shall respond to the scene and conduct the appropriate force investigation.

When notified of an allegation of a use of force and the member denies using force, the supervisor shall respond to the scene and conduct a preliminary investigation into the use of force allegation.

Supervisors shall be held accountable for the timely, accurate, and thorough documentation of all use of force incidents.

Supervisors shall identify Departmental or individual training and tactical issues and make recommendations for corrective action when appropriate, and document the recommendations in the Use of Force Report.

Supervisors shall ensure the provisions of all policies are properly applied.

PR300.3.2 USE OF FORCE INVESTIGATION - WHEN NOT NEEDED

A use of force investigation need not be conducted when a subject has incurred an injury requiring no more than basic first-aid and the injury did not occur as a result of a member's use of force and there is no allegation of force by the subject.

PR300.3.3 USE OF FORCE - MISCONDUCT

If any force investigation indicates administrative misconduct, the supervisor shall conduct, at a minimum, a Level 3 force investigation and additionally initiate an internal investigation. Document the date PIB was notified in the Use of Force Report.

If any force investigation indicates criminal misconduct, the supervisor shall suspend the investigation immediately and notify PIB. The FIT will take over the investigation.

PR300.3.4 USE OF FORCE - MEDICAL

Personnel shall request medical service without delay when a subject has visible injuries or the subject complains of injury.

PR300.3.5 USE OF FORCE - REPORTS

Reports shall not contain "boilerplate" or "pat" language (e.g., "furtive movement" or "fighting stance," etc.) without descriptive or explanatory details of the action."

In the event multiple members are involved in a **single** incident, regardless of the varying levels of force used by an individual officer involved, the reporting member or supervisor shall prepare only one Use of Force Report listing all involved personnel. When multiple levels of force are used, the highest level of investigation shall be conducted.

PR300.3.6 ANIMALS

Injured or killed animals shall be handled and/or disposed of appropriately.

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PR300.4 LEVELS OF FORCE

Force options are grouped in the following four (4) force levels for reporting and investigating purposes only:

PR300.4.1 LEVEL 1

Level-1 uses of force include pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques or that result in injury or complaint of injury.

Note: Hand control or escort techniques applied for the purposes of handcuffing or escorts that are not used as pressure point compliance techniques, do not result in injury or complaint of injury, and are not used to overcome resistance, are not reportable uses of force.

PR300.4.2 LEVEL 2

Level-2

- uses of force include use of an ECW (including where an ECW is fired at a person but misses); use of an impact weapon to strike a person but where no contact is made; use of a baton for non-striking purposes (e.g., prying limbs, moving or controlling a person); and weaponless defense techniques (e.g., elbow strikes, kicks, leg sweeps, and takedowns).

PR300.4.3 LEVEL 3

Level-3

- uses of force include any strike to the head (except for a strike with an impact weapon); use of impact weapons where contact is made (except to the head), regardless of injury; or the destruction of an animal.

PR300.4.4 LEVEL 4

Level-4 - uses of force include all serious uses of force, and shall be investigated by NOPD's Force Investigation Team.

Serious use of force:

(a) all uses of lethal force by an NOPD officer;

(b) all critical firearm discharges by an NOPD officer;

(c) all uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;

(d) all neck holds;

(e) all uses of force by an NOPD officer resulting in a loss of consciousness;

(f) all canine bites;

(g) more than two applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or ECW application for longer than 15 seconds, whether continuous or consecutive; and

(h) any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject.

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All level-4 uses of force (serious use of force), uses of force indicating apparent criminal conduct by an officer, uses of force by NOPD personnel of a rank higher than sergeant, or uses of force reassigned to the FIT by the Superintendent or his designee or PIB shall be investigated by the FIT. Supervisors shall notify the FIT via the Command Desk.

PR300.5 LEVEL 1 USE OF FORCE INCIDENTS

Level 1 Use of Force incidents are self-reported incidents.

PR300.5.1 RESPONSIBILITIES OF PERSONNEL - LEVEL 1

Department personnel who use a Level 1 use of force shall:

(a) Notify and brief their supervisor immediately or as soon as practical. If the immediate supervisor is unavailable, another field supervisor shall be notified.

(b) Complete a Use of Force Report.

(c) The member who uses force shall write a Force Statement before the end of shift, which shall be included in the Use of Force Report. The Force Statement shall include:

1. A detailed account of the incident from the officer's perspective;
2. The reason for the initial police presence
3. A specific description of the acts that led to the use of force;
4. The level of resistance encountered
5. A description of every type of force used.

(d) Complete the **original** Use of Force Report and, if applicable, the appropriate Offense Report and ancillary documents to provide his/her immediate supervisor or, if unavailable, to an on-duty supervisor for review **prior to the end of tour of duty**.

PR300.5.2 SUPERVISOR RESPONSIBILITIES FOR LEVEL 1

When contacted by involved personnel, supervisors shall review the general circumstances of the incident with the involved personnel as necessary, and ensure the facts are consistent with the reporting level.

The direct supervisor of the officer using a Level 1 use of force shall review and approve in writing the Level 1 use of force before the end of the shift during which the Level 1 force is used. Supervisors shall elevate and investigate any use of force that appears to have been inappropriately categorized as a Level 1 use of force.

Level 1 incidents do not require witness identification.

PR300.6 LEVEL 2, 3 AND 4 USE OF FORCE INCIDENTS

PR300.6.1 RESPONSIBILITIES OF OFFICERS USING OR OBSERVING A LEVEL 2, LEVEL 3 OR LEVEL 4 USE OF FORCE

All officers using a Level 1 through 4 use of force, and officers observing a Level 2, Level 3, or Level 4 use of force, **shall write a Force Statement** before the end of shift, which shall be included in the Use of Force Report.

The officer's Force Statement shall include:

(a) a detailed account of the incident from the officer's perspective;

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(b) the reason for the initial police presence;

(c) a specific description of the acts that led to the use of force;

(d) the level of resistance encountered; and

(e) a description of every type of force used.

Officers' Force Statements shall completely and accurately describe the force used or observed. The use of force reporting policy shall explicitly prohibit the use of conclusive statements without supporting detail, including "boilerplate" or "pat" language (e.g., "furtive movement" or "fighting stance") in all statements and reports documenting use of force.

Officers shall be subject to disciplinary action for material omissions or inaccuracies in their Force Statements.

Officers who use or observe force shall notify their supervisors immediately following any use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any officer.

PR300.6.2 SUPERVISORS RESPONSIBILITIES - LEVEL 2, LEVEL 3 OR LEVEL 4

The direct supervisor of the officer(s) using force, upon notification of a Level 2, Level 3, or Level 4 use of force incident or allegation of excessive force, shall respond to the location of occurrence. The direct supervisor of the officer(s) involved in the reportable use of force incident shall investigate all uses of force, with the exception of:

(a) those incidents involving a serious use of force (Level 4 uses of force);

(b) uses of force indicating apparent criminal conduct by an officer, as defined in this Agreement;

(c) a use of force incident by NOPD personnel of a rank higher than the supervisor assigned to investigate the incident; or

(d) a use of force investigation reassigned to FIT by the Superintendent or his designee or PIB.

A supervisor who was involved in a reportable incident, including by participating in or ordering the force being investigated, shall not investigate the incident or review the Force Statements for approval.

For all Level 2 and Level 3 uses of force, the investigating supervisor shall:

(a) respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain after advising the subject of his/her rights, and ensure that the subject receives medical attention from an appropriate medical provider;

(b) notify immediately of the use of force and obtain a use of force tracking number;

(c) identify and collect all relevant evidence and evaluate that evidence to determine whether the use of force:

    1. was consistent with NOPD policy and/or

    2. raises any policy, training, tactical, or equipment concerns;

(d) ensure that all evidence to establish material facts related to the use of force, including audio and video records, photographs, and other documentation of injuries or the absence of injuries is collected;

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(e) ensure that a canvass for, and interview of, civilian witnesses is conducted. In addition, civilian witnesses should be encouraged to provide and sign a written statement in their own words;

(f) ensure that all officers witnessing a use of force incident by another officer provide a Force Statement. Officers involved in a use of force incident shall be separated until interviewed. Group interviews shall be prohibited. Supervisors shall ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred. Supervisors shall not ask officers or other witnesses leading questions that improperly suggest legal justifications for the officers' conduct, where such questions are contrary to appropriate law enforcement techniques. Investigating supervisors shall record all interviews with civilian witnesses and all follow-up interviews with officers, and shall record all interviews with subjects, after advising them of their rights and that they seek to question them only about the use of force. The recording requirements set out in Custodial Interrogations do not apply to subject interviews regarding the use of force. review all Force Statements and ensure that all reports include the information required by this Agreement and NOPD policy; and

(g) consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible. Supervisors will make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force claimed by the officer and the subject's injuries. NOPD will train all of its supervisors on the factors to consider when evaluating credibility, incorporating credibility instructions provided to jurors. Where a reasonable and trained supervisor would determine that there may have been misconduct, the supervisor shall immediately notify FIT to respond to the scene.

Each supervisor shall provide a written gist to the Division Commander by the end of the shift documenting the supervisor's preliminary determination of the appropriateness of the use of force, including whether the force was reasonable and within policy; whether the injuries appear proportionate to the use of force described; and summaries of subject, witness, and officer statements.

Each supervisor shall complete and document a use of force supervisory investigation using a supervisor's Use of Force Report within 72 hours of learning of the use of force. Any extension to this 72-hour deadline must be authorized by a Division Commander. This Report shall include:

(a) the supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the supervisor's independent review of the facts and circumstances of the incident;

(b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;

(c) the names of all other NOPD employees witnessing the use of force;

(d) the investigating supervisor's evaluation of the use of force, based on the supervisor's review of the evidence gathered, including a determination of whether the officer's actions appear to be within NOPD policy and consistent with state and federal law; and

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an assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options, and;

(e) documentation of any non-disciplinary corrective action taken.

Upon completion of the supervisor's Use of Force Report, the investigating supervisor shall forward the report through their chain of command to Division Commander, who shall review the report to ensure that it is complete and that the findings are supported using the preponderance of the evidence standard. The Division Commander shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.

Where the findings of the Use of Force Report are not supported by a preponderance of the evidence, the investigating supervisor's chain of command shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation. The investigating supervisor's superior shall counsel the investigating supervisor regarding the inadequately supported determination and of any investigative deficiencies that led to it. The Division Commander shall be responsible for the accuracy and completeness of Use of Force Reports prepared by supervisors under their command.

Where an investigating supervisor repeatedly conducts deficient investigations, the supervisor shall receive the appropriate corrective action, including training, demotion, and/or removal from a supervisory position in accordance with performance evaluation procedures and/or Civil Service Rules.

Whenever an investigating supervisor, reviewing supervisor, or Division Commander finds evidence of a use of force indicating apparent criminal conduct by an officer, he or she shall suspend the force investigation immediately and notify PIB. PIB shall immediately notify FIT, which will take over the investigation.

When the Division Commander finds that the investigation is complete and the findings are supported by the evidence, the investigation file shall be forwarded to PIB. PIB shall review the investigation to ensure that it is complete and that the findings are supported by the evidence.

At the discretion of the Superintendent, his designee, or PIB, a use of force investigation may be assigned or re-assigned for investigation to FIT or to another supervisor, whether within or outside of the District in which the incident occurred, or may be returned to the Unit for further investigation or analysis. This assignment or re-assignment shall be explained in writing.

Where, after investigation, a use of force is found to be out of policy, the Superintendent shall direct and ensure appropriate discipline. Where the use of force indicates policy, training, tactical, or equipment concerns, the Superintendent shall ensure also that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

PR300.7 RESPONSIBILITIES OF UNINVOLVED PERSONNEL WHO DID NOT WITNESS THE USE OF FORCE, WHEN DIRECTED BY A SUPERVISOR

The responsibilities of uninvolved personnel who did not witness the use of force, when directed by a supervisor shall:

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(a) Conduct a reasonable effort to identify and obtain statement from other witnesses in the proximity of the use of force incident, commensurate with the availability of resources and the conditions of the event.

(b) Witnesses to a use of force shall be identified to the extent that it is reasonable and listed in an Incident Report. Statements shall be taken from outside agency personnel or private person witnesses, when practical. The following criteria shall be used when listing witnesses:

1. **Outside Agency Personnel** Outside agency personnel at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified as follows:
   (a) Name;
   (b) Rank/Title;
   (c) Badge or employee number; and
   (d) Department affiliation.
2. **Private Person Witnesses** Private persons at the scene of a use of force incident, whether they witnessed the use of force or not, shall be identified, when possible, as follows:
   (a) Name;
   (b) Sex, Race, DOB;
   (c) Contact number(s); and
   (d) Home address.
3. Document in the appropriate report why witness information was not obtained in situations where it was unsafe or impractical to obtain, (e.g., hostile crowd, insufficient police resources) or the witness refused to remain at the scene, or is uncooperative.
4. Members shall not detain or delay a witness who refuses to remain at the scene; nonetheless, the witness' physical description, license plate, comments, or other identifiers shall be obtained when available and documented in the appropriate report.
5. Members shall summon a supervisor to the scene in the event a witness refuses to give a statement or provide identification information.
6. Complete a Supplemental Statement without discussing the details of the incident with other personnel on scene. Group reporting is prohibited.
7. Personnel on scene at the time of the use of force incident, but not involved in or a witness to the use of force, shall be separately interviewed by the investigating supervisor, prior to clearing from the incident. Any relevant information revealed in the interview shall be included in the member's Supplemental Statement.

PR300.7.1 PLATOON COMMANDER OR COMMANDER OF THE INCIDENT SCENE RESPONSIBILITIES

The platoon commander or commander of the incident scene shall:

(a) Respond to the scene and take Incident Command responsibilities when advised the incident involves significant department resources or is likely to generate unusual public interest.

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(b) Monitor and ensure the use of force investigation is conducted in a thorough, methodical, and efficient manner.

(c) Ensure the following notifications are made as soon as possible unless conditions at the scene make such notification impractical:

1. Deputy Superintendent of the Public Integrity Bureau;
2. Police Commander of the Public Integrity Bureau;
3. Commander of the Force Investigative Team;
4. Superintendent of Police;
5. Orleans Parish District Attorney's Office Standby Team for force incidents resulting in death or injury likely to result in death;
6. Office of the City Attorney (OCA);
7. Office of Inspector General (OIG);
8. City Administrator;
9. Field Operations Bureau (FOB) and Investigation and Support Bureau (ISB) Deputy Superintendents; and
10. District/Division Commander.

PR300.8 LEVEL 4 FORCE OR IN-CUSTODY DEATH INCIDENT

Force Investigative Team shall proceed concurrent with an administrative investigation by the Public Integrity Bureau.

Level 4 force incidents shall be investigated by NOPD's Force Investigation Team.

If the case may proceed criminally, or where NOPD requests a criminal prosecution, any compelled interview of the subject officers shall be delayed. No other part of the investigation shall be held in abeyance unless specifically authorized by the Superintendent in consultation with the agency conducting the criminal investigation.

PR300.8.1 PUBLIC INTEGRITY BUREAU FORCE INVESTIGATIVE TEAM (FIT)

Once the Supervisor of the FIT is notified via the Command Desk or a member's Supervisor of a level-4 use of force incident or an in custody death, the FIT Supervisor will notify the members of the squad and respond as outlined in policy/procedure 310 - Force Investigative Team/Officer Involved Shooting.

PR300.8.2 DISTRICT ATTORNEY'S (DA) STANDBY TEAM

The District Attorney Office and the City Attorney's Office have the authority to conduct their own independent investigations. They will be available to assist and advise the investigating officers on all criminal law issues as they relate to the investigation.

PR300.9 LEVEL 4 FORCE INCIDENTS INVOLVING AN OUTSIDE AGENCY

PR300.9.1 LEVEL 4 FORCE INCIDENTS OCCURRING OUTSIDE THE CITY OF NEW ORLEANS

Upon notification, the platoon commander shall:

(a) Send an on-duty supervisor to the jurisdiction in which the incident occurred unless the distance makes it impractical. The supervisor shall remain with the member(s) during the investigation by the outside agency;

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(b) Notify the Public Integrity Bureau Deputy Superintendent who shall determine if Public Integrity Bureau Force Investigative Team investigators are to be called-out; and

(c) Notify the Public Integrity Bureau Police Commander who shall determine if the Public Integrity Bureau Administrative investigators are to be called-out.

The law enforcement agency, which has jurisdiction where the incident occurred, shall have incident command and primary criminal investigation responsibility. The Public Integrity Bureau Force Investigative Team shall only assume primary criminal investigation responsibility upon the request of the outside agency.

Public Integrity Bureau Force Investigative Team investigators shall request to attend the interview of NOPD personnel, unless the distance involved makes this impractical.

Public Integrity Bureau Administrative investigators shall request to monitor the interview of NOPD personnel, unless the distance involved makes this impractical.

PR300.9.2 LEVEL 4 FORCE INCIDENTS INVOLVING OUTSIDE AGENCY PERSONNEL WITHIN THE CITY OF NEW ORLEANS

The Public Integrity Bureau Force Investigative Team shall conduct the criminal investigation for level-4 use of force incidents and in custody deaths. The outside agency may assist at the discretion of the Public Integrity Bureau Deputy Superintendent.

PR300.10 COMMAND REVIEW AND ENDORSEMENT

All reviewers shall:

(a) Review the Incident Report and the Use of Force Report and evaluate these reports for completeness, accuracy, and quality and ensure reports do not contain "Boilerplate" or "Pat" language without descriptive or explanatory details of the action. Return any reports that are incomplete or inadequate and ensure corrections are made;

(b) Order further investigation or additional investigative resources when necessary;

(c) Evaluate and document whether the use of force was in compliance with Departmental policy, and determine whether any training and tactical issues need further review, when appropriate; and

(d) Review the Incident Report and Use of Force Report and forward as appropriate.

PR300.10.1 LEVEL 1 FORCE REVIEW RESPONSIBILITIES

The reviewing supervisor shall:

(a) Conduct a thorough review of all documents to ensure completeness, accuracy, and quality.

(b) Incomplete or inadequate reports shall be returned for additional details or clarification.

(c) Ensure the Use of Force Report contains the appropriate, corresponding Item Number.

(d) Upon approval, sign the appropriate Level 1 Reviewer box on the Use of Force Report

1. Ensure the Use of Force Report contains the original Use of Force Report with attached supplemental statements
2. A copy of the appropriate report (e.g., Incident Report or field interview card)

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3. Upon approval, sign the appropriate Level 1 Reviewer box on the Use of Force Report

PR300.10.2 LEVEL 4 FORCE REVIEW RESPONSIBILITIES

The Public Integrity Bureau Force Investigative Team (FIT) supervisor shall:

(a) Ensure the investigation is conducted and assigned to a Public Integrity FIT investigator who shall prepare an Incident Report.

(b) Review and forward the Incident Report to the Police Commander of the Public Integrity Bureau.

The Public Integrity Bureau Police Commander shall:

(a) Ensure Public Integrity Bureau Administrative investigators have conducted a complete use of force investigation, independent of the criminal investigation, and prepared a Use of Force or In-Custody Death Report in accordance with PIB Policy and Procedure

(b) Review and forward the Incident Report and the Use of Force Report to the Deputy Superintendent of the Public Integrity Bureau.

(c) Provide an oral report to the Superintendent of Police within 24 hours of the incident.

PR300.11 OFFICER'S BILL OF RIGHTS

Nothing in this procedure shall preclude a member of the police department from taking reasonable action(s) to ensure officer safety or the public's safety.

All members shall be afforded all substantive and procedural rights and remedies as provided by law, including without limitation those laws granted by the Officers' Bill of Rights.

The Superintendent of Police, after consulting with members of the Command Staff and Public Integrity Bureau shall determine if the member(s) should be returned to their regular assignment, but only after completion of any mandatory debriefing by the department's psychologist, and any recommended retraining.

Any determination by the Superintendent not to return an officer(s) to their regular assignment and to continue their reassignment is administrative only and in no way shall be considered punitive

PR300.12 TRAINING

Commanders, investigators, and supervisors shall complete a Department approved training course regarding the Departmental Use of Force Policy and reporting and investigating use of force incidents prior to conducting any use of force investigation. The training course shall include provisions of the NOPD Operations Manual Chapters related to RECEIVING AND PROCESSING COMPLAINTS AGAINST DEPARTMENT PERSONNEL OR PROCEDURES and CRIMINAL INVESTIGATIONS INVOLVING ACTIVE LAW ENFORCEMENT OR A MEMBER OF THE DEPARTMENT.

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Handcuffing and Restraints

PR306.1 DEFINITIONS

POSITIONAL ASPHYXIA - sudden in-custody deaths as a result of body position that interferes with one's breathing ability.

AGITATED DELIRIUM - a condition brought on by the use of drugs or the lack of required medication (symptoms listed below)

SUDDEN TRANQUILITY - when a subject who was acting violent suddenly becomes calm, sleepy, and appears to be resting.

PR306.2 INSTRUCTIONS

After a suspect is handcuffed, the handcuffs should be properly fitted using extra caution in not over tightening the handcuffs. Then, the handcuffs should be double locked and checked to make sure the double lock is set. This should be done prior to placing the suspect in the police unit. Once secured, the arrested subject shall be secured in the rear seat by using the safety belt. Once the arrested subject has been secured in the vehicle, the transporting officer's primary responsibility will be the safety of the prisoner.

(a) Arresting officers shall use caution when securing a subject with a seat belt. Seat belting a suspect places officers in an awkward position, exposing them to possible injury during the belting procedure. If possible, two officers should be present when belting suspects in a police vehicle.

(b) Officers shall not unnecessarily expose themselves to possible injury during the belting procedure involving prisoners or violent individuals.

Officers will be aware of the definition of "**positional asphyxia**," and will follow the guidelines for care of subdued subjects listed below:

(a) Follow existing training guidelines for physical restraint of subjects.

(b) If a subject has been placed on his/her stomach, turn him/her on the side or in a seated position as soon as handcuffs are properly applied.

(c) If the subject continues to struggle, **do not** sit on the subject's back. Hold the subject's legs down and wrap his/her ankles with leg restraints (leg shackles, Hobble leg restraints, or flex ankle cuffs). **NOTE:** The use of these restraints may require specialized training.

(d) Never attach the handcuffs to leg or ankle restraints.

(e) Ask the subject if he/she has used drugs recently or suffers from any cardiac or respiratory diseases or conditions such as asthma, bronchitis, or emphysema.

(f) Monitor the subject carefully and obtain medical treatment if needed. Look for breathing difficulties or loss of consciousness and immediately transport to a medical facility or call for EMS.

(g) If the subject is turned over to a detention facility, inform the facility's custodian of any preexisting conditions or treatment received or requested because of respiratory difficulty or loss of consciousness.

(h) The use of any "hog-tying" technique is strictly prohibited.

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(i) Document in the incident report the manner in which the subject is restrained, and the reasons for such restraint.

Officers will be aware of the definition of "**Agitated Delirium**" and will follow the guidelines for care of subdued subjects listed below. Subjects in the state of agitated delirium have easily identifiable symptoms and behavioral patterns. For the safety of both officers and subjects, recognition of these signs is a must. This is especially true in cases when more than two or three of the symptoms are exhibited at the same time by the same person. Once in custody, EMS should be contacted immediately to evaluate the subject. Some of the symptoms to be aware of include, but are not limited to:

(a) Bizarre and/or aggressive behavior such as self-inflicted injuries; jumping into water; shouting (frequently irrationally); hiding behind cars, trees, and bushes; public disrobing (due to high body temperature or hyperthermia);

(b) Irrational or incoherent speech;

(c) Dilated pupils; shivering; high body temperatures (as high as 106 - 108 degrees Fahrenheit +); or profuse sweating (due to high body temperature);

(d) Fear, paranoia, or panic;

(e) Violence toward others; violence toward objects, especially glass; or violence in general;

(f) High resistance to pain (standard defensive tactics and OC spray may be ineffective);

(g) Unexpected physical strength;

1. For officer safety, **NEVER** go one-on-one with a subject displaying symptoms of Agitated Delirium.
2. Subjects who display these symptoms and initially resist arrest violently may become extremely tranquil, appearing to have given up and accepted their fate. They may seem to be sleepy and resting. This is termed "Sudden Tranquility" and usually occurs just prior to death.
3. When faced with a subject displaying these symptoms, officers will follow the guidelines for "positional asphyxia" "a" through "i" above.

PR306.3 RESTRAINTS ON HANDICAPPED PRISONERS

When transporting handicapped prisoners, the degree of physical restraint will be applied within reason at the discretion of the transporting officer. The safety of the prisoner and the transporting officer requires due care when transporting handicapped prisoners. It should not be assumed that restraining devices are not required on handicapped persons. A prisoner in a wheelchair or one who uses walking aids may not require the use of restraining devices in all instances; however, every precaution should be taken to ensure the safety of the officer and the handicapped prisoner. When possible, the prisoner will be handcuffed behind his back, not in the front.

While being transported, a sick or injured prisoner will be handcuffed. The only exception would be if the handcuffs would further compound the injuries. When this is the case, the officer will notify his/her supervisor and request a second officer to assist.

The guidelines outlined in this directive are applicable to situations involving the transport of mentally handicapped or mentally disturbed prisoners.

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PR306.4 EXTENDED TRANSPORT TIMES

When the transportation of a prisoner is expected to last for several hours, officers (two at all times) shall be cognizant of the restraints on the prisoner and the positioning of the prisoner at all times.

(a) Officers shall ensure prior to transportation that the prisoner(s) is thoroughly searched for any weapons, contraband, or items which might be used as implements of escape.

(b) Should it be necessary to reposition the restraints for any reason, the officers should make every effort to select a location which can be isolated from the public. In most circumstances, one officer should re-apply the restraints while the second officer maintains cover.

PR306.5 GUIDES FOR USE OF ALTERNATIVE RETRAINING DEVICES

Guide for the use of flex cuffs:

(a) The same existing handcuffing procedures used for standard handcuffing should be used for applying flex cuffs.

(b) It is understandable some of the tactics used in standard handcuffing will be lost due to the nature and characteristics of the flex cuffs.

(c) It is paramount the flex cuffs be properly fitted and extreme care should be taken as to not over tighten the flex cuffs.

(d) Flex cuffs shall not be removed with any sharp and/or pointed object (i.e., knives, pointed scissors, etc.) A removal tool designed for removing the cuffs should be used, when available.

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Electronic Control Weapons

PR309.1 DEFINITIONS

Aggressive Resistance - A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

Active Resistance - A subject attempts to attack or does attack an officer; exhibits aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks or any instrument that may be perceived as a weapon such as knife or stick); or exhibits defensive resistance (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the officer's grasp). Verbal statements, bracing, or tensing along do not constitute active resistance.

Application - The actual contact and delivery of electrical impulse to the subject via probe discharge or drive stun.

Arcing - Pulling the trigger to activate an E.C.W. without discharging the probes. This may be done as a warning to the subject or to test the E.C.W. prior to deployment (sometimes referred to as a spark test).

Cartridge - A replaceable vessel that generally contains compressed gas, probes, connecting wires, and confetti tags.

Complete the Circuit - When there is not adequate spread between probes attached to a subject, or one probe misses the subject or dislodges, the E.C.W. may be used in drive stun mode to incapacitate the subject. This allows for the electrical pulse to travel between the attached probe(s) and the point where the front of the E.C.W. makes contact with the subject. This tactic is sometimes referred to as a three-point contact.

Confetti Tags - Small identifying cards expelled from an E.C.W. cartridge when probes are discharged. Each confetti tag contains a serial number unique to the specific cartridge used. Confetti tags are sometimes referred to as Anti-Felon Identification (AFID) tags.

Cycle - The period during which electrical impulses are emitted from the E.C.W. following activation. In most models, a standard cycle is 5 seconds for each activation. The duration of a cycle may be shortened by turning the E.C.W. off, but may be extended in certain models by continuing to pull the trigger.

Discharge - Pulling the trigger of an E.C.W. resulting in probe release and/or drive stun.

Display - Drawing and exhibiting the E.C.W. as part of a warning tactic, typically accompanied by appropriate verbalization.

Drive Stun - Drive stun mode is possible whether or not the cartridge has been expended or removed from the E.C.W. (If the cartridge is not removed, the probes will enter the body). This action requires pulling the trigger and placing the E.C.W. in direct contact with the subject, causing the electric energy to enter the subject directly. ECWs shall not be used in drive-stun mode as a pain compliance technique. ECWs shall be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a

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countermeasure to gain separation between the officers and the subject, so that officers can consider another force option.

Duration - The aggregate time that the E.C.W. is activated. It is important to note that the duration of activation may differ from the duration of time that a subject is subjected to the electrical impulse from the E.C.W.

Electronic Control Weapon (E.C.W.) - A weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and overrides the subject's voluntary motor responses.

Exigent Circumstances - Circumstances that would cause a reasonable person to believe that prompt and unusual action is necessary to prevent physical injury to self or others.

Firing - Discharging E.C.W. probes at an intended target.

Laser Painting - The act of unholstering and pointing an E.C.W. at a subject and activating the E.C.W.'s laser dot to show that the weapon is targeted at the subject.

Less-Lethal Weapon - Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional lethal weapon (e.g., firearm)

Passive Resistance - behavior that is unresponsive to police verbal communications or directions (e.g., ignoring or disregarding police attempts at verbal communication or control; going limp; or failing to physically respond or move) and verbal resistance (e.g., verbally rejecting police verbal communication or direction; telling the officer that he/she will not comply with police direction, to leave along, or not bother him/her). Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance.

Positional Asphyxia - Death that occurs when a subject's body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway.

Probe Discharge - Pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve neuromuscular incapacitation.

Probes - Projectiles with wires contained in an E.C.W. cartridge. When the E.C.W. is discharged, probes are expelled from the E.C.W. and penetrate the subject's clothing and/or skin, allowing application of the electric impulse.

Sensitive Areas - An area of the subject's body that may cause more serious injury to the subject if struck with an E.C.W. probe (e.g., head, neck, genitalia)

Serious Physical Injury - Physical injury that creates a substantial risk of death; causes death or serious and protracted disfigurement; or causes impairment of the function of any bodily organ or limb.

PR309.2 GENERAL

An 'Electronic Control Weapon' (E.C.W.) is a conducted energy device which functions as follows:

X2, X3, X26 or X26P handheld model E.C.W.'s

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- Uses compressed nitrogen to project two probes a maximum of 35 ft depending on the cartridge used. An electrical signal is then sent to the probes, via small wires, which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
- Can be used in a drive stun mode when brought into immediate contact with a person's body. X12/XREP shotgun model E.C.W. (Drive-stun mode shall not be used as a pain compliance technique and shall only be used to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between the officer and subject.)
- The Taser XL12 LLS Mossberg Shotgun is a less-lethal alternative for tactical use. It uses a twelve gauge XREP Electronic Control Weapon round. It has a range of fifteen to one hundred feet.

All personnel carrying an X2, X3, X26 or X26P E.C.W. shall check the CID (Central Information Display) prior to each tour of duty to ensure that the power supply registers higher than 50%. Power supply packs must be recharged prior to dropping below 50%. If the device is utilizing a non-rechargeable power supply pack, it must be replaced when the power supply registers 20%.

E.C.W.'s, E.C.W. Cameras, power supply packs, cartridges and replacement needs shall be handled by the Training Academy.

Use histories shall be downloaded on each E.C.W. unit once a year. The Office of Compliance and the Training Academy shall conduct this process, either at annual recertification or upon demand.

Anytime an E.C.W. is confiscated as evidence or as part of an internal investigation, the battery source shall only be removed by authorized Academy personnel.

PR309.3 SCOPE OF USE

The E.C.W. is an alternative use of force device considered to be a less-lethal weapon, which is listed as a level 2 use of force in the force continuum.

The decision to utilize an E.C.W. must be made dependent on the totality of the circumstances or any exigent circumstances surrounding the incident, including the actions of the subject and/or the imminent threat that the officer reasonably believes he/she is faced with, which may include but not limited to, attempts to subdue the suspect by other conventional tactics, such as verbal commands and/or physical presence, have been or will likely be ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach the suspect within contact range due to active aggression or active resistance by the suspect.

E.C.W.'s shall only be used in accordance with NOPD training as taught by a certified instructor and in accordance with NOPD Policy and Local, State, and Federal law.

The E.C.W. is not intended to be used as a substitute weapon in deadly force situations.

The E.C.W. shall not be used without a firearm back-up in those situations where there is a substantial threat towards the officer or others present.

The E.C.W. shall not be used in an indiscriminate manner when working parade assignment or other situation involving a large crowd.

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Application of the E.C.W. is unique in each situation; the officer's actions should be dictated by the circumstances of each situation and the training he or she has received prior to being authorized to carry and use the E.C.W. Officers shall be required to justify each application of an E.C.W.

PR309.4 DEPLOYMENT OF AN E.C.W. ON TARGET PERSON

In conformity with all other departmental guidelines set forth in this procedure, deployment of an E.C.W. may be permitted, but is not limited to, situations where other means of controlling the subject are unreasonable or have been ineffective AND the officer reasonably believes that use of an E.C.W. is necessary to protect the officer(s), others, or the target himself from unlawful use of physical force; or effect the arrest or control of a subject resisting arrest.

The E.C.W. has an effective probe deployment range of up to thirty-five (35) feet depending on the cartridge. A range of less than three (3) feet may not provide adequate probe spread to allow the unit to function to its full effectiveness. Nevertheless, discharging the E.C.W. at a range closer than three (3) feet to the target does not inherently present a greater risk of injury to the subject resulting from probe impact.

The officer shall ensure the E.C.W. is held in a manner not to obstruct the E.C.W. video camera lens (avoid a two-handed grip of the device; ensure lens is not covered by fingers or hands).

The officer should attempt to utilize the E.C.W. video camera to record as much of an incident as reasonably possible by keeping the E.C.W. pointed at the suspect.

PR309.5 TARGETING A PERSON WITH AN E.C.W.

Where it is necessary, pursuant to this policy and procedure, to use an E.C.W. on a person, the deploying officer shall adhere to the following guidelines:

Anatomical Instructions:

- The preferred target areas recommended when firing the E.C.W. are the lower chest/abdomen area if facing the front of the target or the center mass of the back if facing the back of the target, as clothing tends to be tighter on these parts of the body. Nonetheless, an officer is permitted to target the center mass of the back or the central area of the chest if he/she is legally justified in using force.
- Where a target-subject is wearing heavy or loose clothing on the upper body, the officer should consider targeting the legs if possible.

PR309.5.1 TARGETING A PERSON WITH AN E.C.W. - PRECAUTIONS

E.C.W.'s shall not be used where such deployment may cause serious injury or death from situational hazards, including falling, drowning, losing control of a moving vehicle, or igniting a potentially explosive or flammable material or substance, except where lethal force would be permitted.

Personnel should be cognizant of the risk of positional asphyxia following an E.C.W. application and avoid using a restraint technique or position that would impair a subject's respiration. Once controlled, target subject should be monitored closely for any signs of distress.

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PR309.6 POST APPLICATION RESPONSIBILITIES

Once the subject is restrained or if he/she has complied, the E.C.W. should only be reactivated if the subject poses a threat or attempts escape.

An Officer shall be responsible for monitoring any subject who has received E.C.W. application while in NOPD custody.

An E.C.W. shall not be left unattended except in exigent circumstances where the officer is forced to act alone in taking custody of an immediate threat.

Whenever an E.C.W. is deployed, either through actual discharge or by employing arcing/laser targeting methods to induce the suspect to comply and surrender, a ranking supervisor shall respond to the scene for investigation purposes and completion of a Use of Force Report. Medical personnel shall be summoned to the scene after an ECW application. Medical care shall not be refused for anyone who requests it.

In the event of serious physical injury or death involving a subject who has been exposed to an E.C.W. discharge, the on-scene immediate supervisor shall notify PIB and request Crime Lab response for the processing and the collection of evidence. Photographs shall be taken of the impact sites of the E.C.W. probes. All E.C.W. probes, confetti tags (also referred to as Anti-Felon Identification (AFID) tags), cartridges, wires, and photographs shall be placed into evidence. For the purposes of this procedure, serious physical injury is defined as an injury to a person that, either at the time of the actual injury or at a later time, involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of any part or organ of the body, as well as any breaks, fractures, or burns of the third degree.

PR309.6.1 REMOVAL OF PROBES

Officers shall ensure first aid is available if necessary following the removal of the probes. Officers should inspect the probes after removal to ensure the entire probe barb has been removed. In the event a probe or probe barb has broken off and is still embedded in a subject's skin, the subject must be provided the appropriate medical attention at the appropriate medical facility to facilitate the removal of the object.

They should be placed point down into the expended cartridge bores and secured with tape before being given to medical personnel for disposal in a bio hazard sharps box.

Probes that are embedded in a subject's skin should be removed only by medical or specially trained NOPD personnel.

Probes that are embedded in a subject's head, throat, groin, or other sensitive area should be removed by medical personnel only.

PR309.7 USE OF AN E.C.W. ON DANGEROUS ANIMALS

In accordance with Policy 309, an E.C.W. may be deployed on a dangerous animal that has caused a continuing public nuisance and needs to be controlled for reason of public peace and safety, preservation of property, or other legitimate purpose; and the animal poses an active threat to officers in their efforts to perform their duty; and other conventional means to control the animal have been exhausted, may be unreasonable, or unavailable; and the officer reasonably believes that use of an E.C.W. is necessary.

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PR309.7.1 TARGETING A DANGEROUS ANIMAL WITH AN E.C.W.

Officers should target the center mass of the animal. Care should be taken to ensure the head and other sensitive areas on the animal are not targeted, if possible. It is understood that deployment against vicious animals may be very dynamic in nature and the probes may impact unintentional areas. Officers should exercise due care when removing probes from the animal.

It is generally understood that as long as the officer acted appropriately, the owner of the animal will be responsible for any medical attention needed by the animal.

Immediately after the deployment of an E.C.W. on a dangerous animal temporarily disables the animal, officers should be prepared to act quickly with control devices or restraints, if available, as animals have shown the ability to quickly recover from the effects of an temporarily disables due to difference in their nervous system. As such, conventional means of controlling the animal (e.g., control sticks, collars, cages) should be on hand at the scene, if available, prior to the use of the E.C.W.

Although the full effect of the use of E.C.W.'s on animals is not yet proven, field applications have shown positive results, and the E.C.W. has proven to be an effective tool against dangerous animals. Furthermore, using the E.C.W. against dangerous animals may reduce the need for greater, more injurious force against such animals. Thus, the use of an E.C.W. on an animal should be based on the intent to provide a safer, more humane, and less traumatic conclusion to the incident.

PR309.8 E.C.W. ISSUING PROCEDURE

A record of cartridge serial numbers provided with each device shall be maintained in a database accessible to both the Training Academy and the Public Integrity Bureau. All replacement cartridges will be issued through the Academy. Routine audits of the E.C.W. database shall be conducted by authorized Academy and Public Integrity Bureau personnel. A record shall be kept of all E.C.W.'s, their serial numbers, and to which officer or division they have been issued. The Training Academy will issue all department owned E.C.W. units. In the event that an E.C.W. is returned for repairs or no longer remains the property of the New Orleans Police Department, the use history of that particular E.C.W. will be downloaded using the data port access and appropriate software. The use history will be maintained for a period of three years from the time the E.C.W. was taken out of service or until the completed adjudication or any pending criminal or civil litigation.

PR309.9 E.C.W. DISCHARGE REPORTING PROCEDURES

PR309.9.1 OFFICER'S RESPONISIBLITIES

Application/Discharge

After an E.C.W. is discharged for any reason other than spark testing or training (i.e., drive stun or probe deployment), the officer who deployed the E.C.W. shall:

- Complete an E.C.W. Discharge/Use Report;
- Have the on-scene supervisor sign the E.C.W. Discharge/Use Report; and
- Deliver the following to the Training Academy Monday through Friday, between the hours of 8:00 a.m. and 3:35 p.m.; and within seventy-two (72) hours of the incident:
  - E.C.W.
  - Spent cartridge

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  - Completed E.C.W. Discharge/Use Report

Officers shall report all ECW discharges (except for training discharges), laser painting, and/or arcing of weapons to their supervisor and the communications command center as soon as possible.

Arcing/Laser Targeting

Documentation of E.C.W. use via an E.C.W. Discharge/Use Report shall also be required whenever, in addition to a verbal warning of intent to use an E.C.W., the device is displayed out of the holster in the two following methods:

- Arching Technique (Pulling the trigger to activate an E.C.W. without discharging probe) or
- Laser Painting Technique (Unholstering and pointing an E.C.W. at a subject and activating the E.C.W.'s laser dot to show weapon is pointed at suspect).

In these instances the officer shall:

- Complete an E.C.W. Discharge/Use Report;
- Have the on-scene supervisor sign the E.C.W. Discharge/Use Report; and
- Deliver the following to the Training Academy Monday through Friday, between the hours of 8:00 a.m. - 3:35 p.m.; and within seventy-two (72) hours of the incident:
  - E.C.W.
  - Completed E.C.W. Discharge/Use Report

Accidental Discharge

Any accidental discharge involving an E.C.W. shall require the officer to:

- Complete an E.C.W. Discharge/Use Report;
- Have the immediate supervisor sign the E.C.W. Discharge/Use Report;
- Complete a Form 105 via their chain of command to the Commander of the Training Academy describing the circumstances of the discharge; and
- Deliver the following to the Training Academy Monday through Friday, between the hours of 8:00 a.m. - 3:35 p.m.; within seventy-two (72) hours of the incident:
  - E.C.W.
  - Spent Cartridge
  - Completed E.C.W. Discharge/Use Report
  - Provide a Form 105 on the circumstances surrounding the accidental discharge

PR309.9.2 SUPERVISOR'S RESPONSIBILITIES

In addition to Use of Force reporting requirements the on-scene reporting supervisor shall:

- Make sure proper care is given to the injured officers and/or citizens.
- Make sure the proper notifications of the Department Command Staff are made as soon as possible by notifying the Command Desk of the E.C.W. deployment.
- Make sure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the suspects, and protection of the scene.

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- Ensure E.C.W. Discharge/Use Report and all other written reports associated with the incident are completed and delivered to the Academy by the officer according to established protocol.

PR309.9.3 TRAINING ACADEMY RESPONSIBILITIES

The Training Academy personnel will review the E.C.W. Discharge/Use Report and complete an 'E.C.W.' Discharge Interview Form (www.nopd.org under the "Forms" tab). The Academy staff will then download the audio/video and issue another cartridge if needed. If the Training Academy is not open within the seventy-two (72) hour period, the officer is responsible for bringing the above listed items to the Training Academy the morning of the first business day.

The Training Academy shall be responsible for identifying training issues and conduct all follow-up training. If an officer has more than three accidental discharges in one year, the officer will lose the privilege of carrying an E.C.W.

The Training Academy will be responsible for notifying the Public Integrity Bureau of all accidental E.C.W. discharges.

PR309.10 DISCHARGE OUTSIDE ORLEANS PARISH

Member's Responsibilities:

A member involved in an E.C.W. discharge which occurs outside of Orleans Parish shall:

- Accidental / Non-Contact Discharge:
  - As soon as practical, the member shall notify their immediate supervisor or an on-duty supervisor from within their chain of command;
  - Complete an E.C.W. Discharge/Use Report;
  - Complete a 105 to the Commander of the Training Academy describing the circumstances of the discharge; and
  - Follow the "Accidental Discharge" procedure listed in this Procedure.
- Intentional or Accidental / Contact Discharge:
  - Immediately notify the Police/Sheriff's Department within jurisdiction where deployment occurred and have a police report completed;
  - Obtain the police report item number;
  - Contact immediate NOPD supervisor or an on-duty supervisor from within chain of command; and
  - Follow appropriate reporting procedures listed in this Chapter.

Supervisor's Responsibilities: Upon notification of an accidental or intentional discharge outside the Parish of Orleans, the supervisor shall:

- Notify the Command Desk of the E.C.W. Discharge;
- Ensure the officer completes an E.C.W. Discharge/Use Report and sign the report;
- Ensure the officer completes a 105 to the Commander of the Training Academy describing the circumstances of the discharge;
- Ensure required documentation is delivered by the officer to the Training Academy within seventy-two (72) hours, or no later than close of business the first business day should the incident occur on a weekend or holiday.

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PR309.11 SPARK TESTING

Spark Testing prior to the officer beginning his/her tour of duty shall be conducted in the following manner in a safe location and out of the view of the public:

- Remove all cartridges
- Point in a safe direction
- Disengage the safety
- Observe battery power percentage
- Ensure the low intensity light (LIL) and laser beam is activated
- Pull the trigger, and release and allow the E.C.W. to discharge for the five second cycle
- Observe a visible spark between the electrodes during the cycle
- Reengage the safety
- Re-insert the cartridges for field use

PR309.12 MALFUNCTIONS

If the device malfunctions during normal business hours for the Training Academy, the officer should immediately take the E.C.W. to the Training Academy and turn it over to the Training Academy personnel. If the device malfunctions when the Training Academy is closed, the officer is to remove the device and holster from his belt and not carry a malfunctioning device while working. The officer shall bring the device to the Training Academy on the first day the Training Academy is open after the malfunction is discovered during the Training Academy's hours of operation. If the officer is on extended leave prior to the next open day of the Training Academy, he/she shall make arrangements with their Supervisor to leave the device with the Supervisor, who shall make arrangements to have the device delivered to the Training Academy on the next business day the Training Academy is open.

PR309.13 PUBLIC INTEGRITY BUREAU (PIB) - RESPONSIBILITIES

After the administrative review of an E.C.W. use, a determination shall be made as to whether any violation of departmental policy or procedure has occurred, and the investigator shall determine whether an administrative or internal disciplinary investigation (DI-1; DI-2; DI-3) shall be conducted.

If investigator from the Public Integrity Bureau secures an E.C.W. from an officer as part of his/her investigation, the Commander of the Public Integrity Bureau or his/her designee shall send a Form 105 to the Commander of the Training Academy listing the involved officer's name, the E.C.W. serial number, the E.C.W. Video Camera serial number and any E.C.W. Cartridge serial numbers. Once it is determined that the E.C.W. is no longer needed for the investigation or will not be needed as evidence, it shall be returned to the Training Academy.

PIB shall include the number of E.C.W.'s in operation and the number of E.C.W. uses as elements of the Early Warning System (E.W.S.). Analysis of this data shall include a determination of whether E.C.W.'s result in an increase in the use of force and whether officer and subject injuries are affected by the rate of E.C.W. use. In addition, the analysis shall include a breakdown of deployments involving the use of arcing and/or laser painting techniques to measure the prevention/deterrence effectiveness associated with the use of E.C.W.'s. E.C.W. data and analysis shall be included in PIB's Use of Force Annual Report.

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Force Investigative Team/Officer Involved Shooting

PR310.1 RESPONSIBILITIES OF INVOLVED OFFICER(S)

The involved officer shall notify Communication Services via police radio of an incident involving a weapons discharge/level 4 use of force/officer involved shooting.

If any injury results, the officer shall immediately request Emergency Medical Services (EMS), and if possible render first aid.

If the suspect makes good his escape, the involved officer(s) are to immediately broadcast a description of the suspect(s), a direction of flight, type of weapon if known and direct responding officers to where the perimeter should be constructed. A Public Safety Statement should be given to the responding supervisor.

Involved officers shall attempt to secure any and all evidence that may be associated with a shooting incident (e.g., weapons, etc.) If, at any time, the involved officer(s) remove evidence from its original location due to safety reasons or fear the weapon may disappear, the officer removing the weapon shall immediately notify the dispatcher that he/she removed the weapon and give the location in which it was secured.

Once control of the scene has been established, the involved officer, or assisting officer(s) shall immediately secure the scene as they would any other major crime scene.

The involved officer, as well as any officer who may have witnessed the incident shall not discuss the incident (except as specified in section 310.8 (Involved Officers) of policy 310 - Force Investigative Team/Officer Involved Shooting. Group interviews are prohibited.

PR310.2 RESPONSIBILITIES OF SUPERVISORS

Upon arrival at the scene of a level-4 use of force incident (Procedure 300 - Use of Force) or an in custody death, the first uninvolved supervisor should continue and complete the duties as outlined above, plus complete the following:

- Ensure all of the injured, whether civilian or police, receive immediate medical attention via EMS;
- If able to do so, immediately separate all officers involved. Secure the involved officer(s) at a location away from the public and media;
- Determine the psychological state of each and every officer involved. If an officer appears to be emotional and is visibly distraught, notification is to be made via Command Desk to the department's psychologist;
- If the officer(s) is able to do so, the supervisor should attempt to obtain a brief account of what occurred before removing him/her from the scene;
- Immediately broadcast a portion of information learned as a result of any Public Safety Statement (information concerning the suspect's physical and clothing description, type of weapon, any injury sustained if known and direction of flight.);
- As part of the Use of Force Report, provide a written gist to the Division commander within 72 hours of learning of the Use of Force documenting the supervisor's preliminary determination of the appropriateness of the use of force, including

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whether the force was reasonable and within policy; whether the injuries appear proportionate to the use of force described; and summaries of subject, witness and officer statements.

PR310.2.1 SUPERVISOR'S RESPONSIBILITIES - CIVILIAN WITNESSES

The supervisor should attempt to identify any and all civilian witnesses. All witnesses should be separated immediately. If possible, the supervisor, or his/her designee should obtain personal information from each and every witness. If a witness is willing to talk to the supervisor, the supervisor should obtain a brief account of what was observed.

If the witness declines any statement, any personal information obtained shall be documented, forward to the Force Investigative Team and the Orleans Parish District Attorney's Office for further options (i.e., grand just proceedings, etc.)

PR310.2.2 SUPERVISOR'S RESPONSIBILITIES - INVOLVED OFFICERS

The supervisor shall obtain the:

- Identity of the involved officer(s);
- The location of the officer(s) when he/she fired his/her weapon;
- How many times he/she fired his/her weapon;
- A description of the suspect;
- Whether the suspect fired his/her weapon; if so, how many times;
- Where the suspect was positioned when he/she fired his/her weapon;
- What type of weapon he/she possessed, if known; and
- Direction of flight

The supervisor of the officer(s) shall interview each of the officers involved, separately. As a result of the interview, the identity of each officer is to be obtained, determining what officer(s) fired his/her weapon or used force (Involved Officer(s) - IO) and what officers witnessed the shooting/use of force incident (Witness Involved Officer(s) - WIO).

Absent a voluntary statement from any officer, the initial onscene supervisor should not attempt to order any officer to provide any information other than public safety information.

Each involved officer shall be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

PR310.3 FORCE INVESTIGATIVE TEAM (FIT) RESPONSIBILITIES

Upon being notified of an incident, the Force Investigative Team (FIT) member shall document the date and time notified as well as who made the notification. Upon departing his/her individual location, the date and time shall be documented and the same should be documented upon arrival at the crime scene.

FIT shall immediately notify PIB of the use of force and obtain a use of force tracking number.

Upon arrival of a member from the Force Investigative Team (FIT), the FIT member shall determine whether the witness(s) is to be transported for the purpose of an audio recorded statement. If the witness declines to be transported but is willing to give the officer a formal statement, a FIT member shall obtain such statement while on scene.

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Upon being notified, the Case Manager, should determine via Communication Services, or units on the scene, if any party has been transported to a hospital, if so, identify such facility and if multiple crime scenes exist.

After receiving answers from such inquires, the Case Manager shall assign all other FIT members to subsequent scenes, NOT the lead investigator.

The location in which the officer(s) utilized force will be considered Scene #1, The "Lead Investigator" shall immediately respond to that location.

Once at Scene #1, the lead investigator and or the case manager shall interview the immediate supervisor and obtain the following:

- Status of injured parties, if known;
- if any civilian witness(s) were located; if so, their location;
- the identity of all officers involved, both IO and WIO; and
- what the officers relayed to him as to what occurred.

The lead investigator or his/her designee shall attempt to interview each officer (IO) if the officer is willing to voluntarily commit to the interview. If the officer refuses an interview and invokes his/her Fifth Amendment Right, the investigator shall terminate all questioning.

All WIOs shall cooperate with investigators and commit to an on scene interview. All WIO shall participate in a Walk Through of the scene.

Upon completion, all officers involved shall be transported to the Public Integrity Bureau for the purpose of the collection of evidence such as service weapons, clothing if warranted, etc. The witness involved officer(s) shall render a formal audio recorded statement to the criminal investigators of FIT within 72 hours of the incident.

It is the goal of FIT's Criminal Investigators to obtain a voluntary, audio, recorded statement from the shooting involved officer(s) 72 hours after the incident has occurred; such statement will be subsequent to Miranda as it appears on the New Orleans Police Department, Rights Form and also the officer's signing of the form. However, if the officer(s) choose to offer a statement earlier than the recommended 72 hour period investigators shall obtain such statement at that time.

Upon an approved extension, the IO has not rendered a voluntary statement, an administrative Investigator assigned to FIT shall obtain an "Administrative Statement" in accordance with the Louisiana Police Officer's Bill of Rights. Such a statement is to be considered "Compelled". Compelled statements obtained shall not be shared with criminal investigators of FIT. However, if a voluntary statement is obtained by criminal investigators, an administrative statement need not be obtained. A copy of the voluntary statement shall be forwarded to administrative investigators and made part of the administrative case file.

The administrative investigator assigned to FIT shall complete all necessary administrative paper work concerning this matter. Such paper work shall consist of the reassignment of the officer(s) if necessary and written notification instructing the officer of his responsibility concerning the police psychologist.

FIT shall complete a preliminary report that shall be presented to the Superintendent or the Superintendent's designee as soon as possible, but in no circumstances later than 24 hours after learning of the use of force.

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In conducting its investigation, FIT shall:

(a) review all Force Statements to ensure that these statements include the information required by department policy;

(b) respond to the scene, examine the subject for injury and interview the subject after advising the subject of his or her rights;

(c) ensure that all evidence to establish material facts related to the use of force, including but not limited to audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected;

(d) ensure that a canvass for, and interview of, civilian witnesses is conducted. In addition, civilian witnesses should be encouraged to provide and sign a written statement in their own words;

(e) ensure, consistent with applicable law, that all officers witnessing a serious use of force incident by another officer provide a Force Statement regarding the incident. Officers involved in a use of force incident shall be separated until interviewed. Group interviews shall be prohibited. FIT shall ensure that all FIT investigation reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred. FIT shall not ask officers or other witnesses leading questions that improperly suggest legal justifications for the officers' conduct, when such questions are contrary to appropriate law enforcement techniques. FIT shall record all interviews;

(f) consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible. FIT will make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force claimed by the officer and the subject's injuries

PR310.4 REASSIGNMENT

An IO or anyone else involved (at the Superintendent's discretion) shall not return to his/her regular assignment until the psychologist completes a "Fit for Duty" document. Such document shall be completed only after the officer's visit. Also, the lead investigator shall submit a form 105(departmental memorandum), through his/her chain of command to the Deputy Superintendent of the Public Integrity Bureau, documenting his/her findings via the investigation. The Deputy Superintendent of The Public Integrity Bureau after review will then determine if the officer shall remain on re-assignment or is able to return to full duty.

PR310.5 CRIME LAB

The crime scene technician shall, upon completion of his/her investigation, immediately surrender all evidence collected to the Central Evidence and Property Section. Such evidence is to then be secured within Central Evidence and Property Section and a receipt is then given to the technician listing all evidence taken. Such a receipt is attached to the technician's final report and made part of the original case file.

Any scientific testing needed as it concerns items of evidentiary value, shall be requested by the lead FIT investigator or his/her designee. The proper request forms are to be submitted by same.

NOTE: No evidence is to be collected until a "walk- through" has been completed. Prior to collecting the evidence the crime scene technician shall communicate with the lead investigator. The lead investigator will conduct a "walk through". Members participating in the walk through may consist of Superintendent of Police, and at his discretion, all Deputy

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Superintendents, District Commander, Orleans Parish District Attorney's Office, Orleans Parish Coroner's Office, the lead investigator and a representative from the Office of the Independent Police Monitor.

Upon completing the "Walk Through" and all evidence being retrieved, it will be at the lead investigator's decision to terminate the on scene investigation. However, if the incident occurred inside of a location and the incident resulted in a death, it would be the responsibility of the lead investigator to determine if a "Coroner's Seal" is to be placed on the property. The seal is to prevent entrance to the property by civilians. If, after vacating the scene, members of the FIT need to return to the location and enter the location, it should only be done subsequent to obtaining a Search Warrant.

PR310.6 EVIDENCE COLLECTED FROM OFFICERS

Evidence collected from IO or WIO, shall be the responsibility of the lead investigator or his/her designee or the Case Manager or his/her designee.

Any and all evidence collected from the officer shall be documented by the investigator who collects such evidence. The following documentation is imperative:

- name of person collecting evidence;
- date and time evidence was collected;
- description of evidence to include make, model and serial number, if known; and
- location the evidence was collected.

Evidence collected from officers shall be collected in a controlled environment if permitted. If the officer is uninjured any evidence collected shall be done away from the public and the media. IF the officer was hospitalized, the evidence shall be collected from that location.

NOTE: If medical personnel have collected items of evidentiary value from the officer prior to the arrival of a FIT Member, the identity of the person who collected the evidence, the date and time the items were collected and a description of what was collected must be documented by the responding FIT Member. Also the date and time he/she takes custody of the evidence shall be documented as well.

When collecting firearms from an IO, such a process shall be done within the confines of the Public Integrity Bureau by a FIT Member. The member shall document the make, model and serial number as well as the type of ammunition and the total number of rounds contained in the weapon. Furthermore, it shall be confirmed via the involved officer as to how many rounds were contained in his weapon at the beginning of his/her tour of duty. Simple subtraction will indicate how many rounds were fired by the officer. A ballistic examination of the spent cartridge casings collected on the scene will unequivocally confirm the amount of rounds fired by each and every officer involved. The firearm will be placed on placed on the books in Central Evidence and Property.

It is imperative that the FIT Member handling such evidence use extreme caution against contamination. Every precautionary measure must be utilized not to destroy possible "Trace Evidence" that may exist on the item in question.

PR310.7 SUSPECT VEHICLE

If a suspect vehicle becomes evidence, the lead investigator or his/her designee shall have the vehicle impounded and secured in the Evidence Cages located at NOPD

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Headquarters. The investigator responsible for impounding such vehicle shall obtain the following information:

- make and model of the vehicle;
- color;
- damage;
- license plate number; and
- vehicle identification number (VIN).

The lead investigator is to obtain the tow operator's name, unit number, the date and time the vehicle was impounded and the location the vehicle was towed from.

The investigator shall complete an impoundment slip that is provided by the Department of Public Works Tow Truck Operator. A copy of the impoundment slip is to be maintained in the case file for future reference.

Any and all scientific testing of the vehicle as well as a simple search of the interior of the vehicle will be done subsequent to the investigator obtaining a search warrant. Any and all SCID request form(s) associated with the search and the collection of evidence must be completed by the investigator prior to the execution of the warrant. Any and all request forms shall be maintained in the case file for future reference.

PR310.8 INCIDENTS RESULTING IN A DEATH

For all use of force incidents that result in death, the lead FIT Investigator shall obtain a "Homicide Number" via the Homicide Section. Such data is necessary for annual statistics.

The investigator shall document all pertinent information concerning the evidence such as:

- a description of the evidence;
- who collected the evidence;
- the date and time the evidence was collected; and
- the date and time the investigator took custody of such evidence.

If any further scientific testing is warranted, such as ballistic comparison or identification, DNA, hair and fibers comparisons, the investigator shall complete all documentation requesting such examinations. The results of such examinations will be documented in the investigator's supplemental report and the criminalist's report shall be made part of the case file.

PR310.9 DOCUMENTATION

When documenting the incident, the incident report shall not include the names of witnesses or personal information about the officers. Such information shall be contained in any supplemental report(s).

FIT shall complete its administrative use of force investigation within 30 days from the use of force. Any request for an extension to this time limit must be approved by the Deputy Superintendent of PIB through consultation with the Superintendent. At the conclusion of each use of force investigation, FIT shall prepare an investigation report. The report shall include:

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(a) a narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on FIT's independent review of the facts and circumstances of the incident;

(b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;

(c) the names of all other department employees witnessing the use of force;

(d) FIT's evaluation of the basis for the use of force, based on FIT's review of the evidence gathered, including a determination of whether the officer's actions appear to be within department policy and consistent with state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options;

(e) if a weapon was used, documentation that the officer's certification and training for the weapon are current;

(f) documentation of any disciplinary and/or non-disciplinary corrective action recommended.

If a shooting incident emanates from a UCR, the district in which the UCR occurs shall complete the Incident report as well as any other supplemental report that may be required.

District personnel shall be responsible for the identification and apprehension of any and all suspects involved in the incident. Members of the FIT are to monitor any and all investigations affiliated with Level-4 incidents.

PR310.9.1 SUPPLEMENTAL REPORT(S)

The supplemental report shall consist of the following sections:

- Gist
- Victim (Officer(s), PIB Short Form
- Wound(s)
- Weapon(s)
- Date and Time of Occurrence
- Location of Occurrence Scene Description
- Witness(s)
- Canvass
- Evidence
- Suspect(s) (if applicable Criminal History)
- Units on Scene
- Narrative (Chronological order of events, transcribed statements, Investigator's Summery and Conclusion)
- Autopsy reports (if any)
- Crime lab reports

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- A summary of all statements taken from all witnesses during the investigation
- Photographs (if any)

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Vehicle Pursuits

PR314.1 PURPOSE

Vehicle pursuits are prohibited, except where an officer obtains express supervisory approval of a platoon supervisor of the district of occurrence, as defined in this procedure, and the officer and supervisor have considered multiple factors and determined that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. This approval shall be expressly stated by a platoon supervisor of the district of occurrence and broadcasted on the primary dispatch group for the district of occurrence. This supervisor shall become the pursuit supervisor. The ultimate responsibility for the conduct of the pursuit rests with the pursuit supervisor. All members participating in the pursuit, regardless of assignment, shall come under the direct supervision and control of the pursuit supervisor once the pursuit is approved. All pursuit related communications must remain on the district of occurrence's primary channel (talk group).

PR314.2 RULES OF ENGAGEMENT

Marked police vehicles or police motorcycles may request to initiate a pursuit based on any class of violation.

Unmarked police vehicles may request to initiate a pursuit based on the observation of a misdemeanor criminal offense or any more serious violation if the vehicle is equipped with emergency lights and sirens.

Undercover police vehicles may request to initiate a pursuit based on the observation of a violent felony offense if the vehicle is equipped with emergency lights and siren.

If an officer observes a violation and his police vehicle is not equipped with emergency lights and siren, he/she shall report the violation to police communications along with a description, location, and direction of travel of the violator.

If able to do so safely at normal speed and distance, the officer may follow the violator and continue to report his location.

Vehicles with no emergency equipment (i.e.: flashing lights and siren) shall not engage in pursuits. Police motorcycles and unmarked police vehicles shall disengage when marked police vehicles join the pursuit.

PR314.3 NOTIFICATION OF INTENT TO PURSUE

When an officer has made the determination that he/she wishes to request to initiate a pursuit, he/she must immediately broadcast his/her intention. A platoon supervisor assigned to the district where the pursuit originates must immediately respond to that broadcast, make himself/herself aware of the following, and expressly approve/disapprove the pursuit:

(a) the unit number and intention to pursue;

(b) the location and direction of travel;

(c) as complete a description of the suspect vehicle and occupants as possible;

(d) the nature of the violation; and

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(e) the violator's speed and degree of recklessness.

Officers reporting a pursuit shall do so on the radio frequency (talk group) monitored by the dispatcher for, and police vehicles in, the district in which the pursuit begins.

No pursuit shall continue without the express approval of a platoon supervisor in the district of origination and the officer and supervisor have considered multiple factors and determined that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. The platoon supervisor shall verbally authorize the pursuit to the officer(s) over the radio dispatch talk group in the district where the pursuit originates. Nothing in this regulation shall prevent a platoon supervisor from terminating a pursuit if the hazards caused by the pursuit outweigh the danger to the public should the perpetrator escape.

PR314.4 POLICE COMMUNICATIONS DISPATCHER RESPONSIBILITIES

When a police communications dispatcher is notified of a pursuit, he/she must immediately initiate the following actions:

(a) contact a platoon supervisor in the district where the pursuit originated informing him/her of the pursuit, if the supervisor has not already approved or disapproved the pursuit; and

(b) obtain acknowledgment from the platoon supervisor that the message was received.

In the absence of the declaration of a pursuit by an officer or a platoon supervisor, the dispatcher shall declare a vehicle pursuit when all of the following conditions are present.

(a) the vehicle which the officer is trying to stop has taken evasive maneuvers; and

(b) by listening to the officer's radio transmissions it is obvious that a vehicle pursuit is underway (i.e., stress in the officer's voice, it is apparent the officer has activated his siren, etc.).

In the case a vehicle pursuit is declared by the dispatcher, the dispatcher shall contact the officer to ascertain the necessary information about the vehicle pursuit and immediately notify a district platoon supervisor.

When a Police Dispatcher learns the pursuit has been authorized by a platoon supervisor, he/she shall:

(a) clear the radio frequency (talk group) for the pursuing police vehicle;

(b) notify a Communications Supervisor; and

(c) cause the notification of the Commander of the District of occurrence by email.

Once this has been accomplished, the communications dispatcher shall monitor the pursuit. If the platoon supervisor does not immediately approve or disapprove the vehicle pursuit announcement made by the officer or the notification by the dispatcher, the platoon supervisor(s) shall be carried 10-50 (Not available for assignment, reason unknown) and the police communications Supervisor shall be notified of same.

If the vehicle pursuit is terminated by either the officer or the platoon supervisor, the dispatcher shall re-broadcast the instructions to terminate the pursuit to ensure that all units monitoring the channel are made aware of the decision.

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All vehicle pursuits shall have an individual and separate 1028-P (Vehicle Pursuit) item number. If the original 1028-P (vehicle Pursuit) incident is changed to another signal, then another separate 1028-P (Vehicle Pursuit) item shall be generated and cross referenced to the original incident. The 1028-P (Vehicle Pursuit) item shall be given the disposition of "Necessary Action Taken" (NAT).

PR314.5 POLICE COMMUNICATIONS SUPERVISOR RESPONSIBILITIES

When a Communications Supervisor is notified a pursuit is in progress, he/she shall begin monitoring the pursuit. If the Communications Supervisor is advised that no platoon supervisor has approved or disapproved the pursuit, he/she shall immediately check with the dispatcher to confirm that the pursuit has not been approved or disapproved. If the pursuit has not been approved or disapproved, the Communications Supervisor shall instruct the dispatcher to discontinue the pursuit and broadcast that the pursuit has been terminated by the Command Desk over the dispatch talk group. If the pursuit is terminated by the dispatcher, the dispatcher shall ensure that this broadcast is acknowledged by all police units involved. If the pursuit has been acknowledged and approved by the platoon supervisor, Communications Supervisor(s) shall:

(a) notify NCIC and advise units involved in the pursuit of any pertinent information relative to the violator's vehicle that may result in obtaining its status and/or ownership;

(b) ensure all verifiable Departmental vehicle pursuits are assigned an individual and separate signal 10-28P (Vehicle Pursuit) item number. Additionally, an item incident history printout shall be made and forwarded to the Risk Management Section within twenty-four (24) hours;

(c) ensure an audio cassette recording of the pursuit is forwarded to the Commanding Officer of the primary or assigned pursuit unit initiating the pursuit within twenty-four (24) hours. If the twenty-four (24) hour period encompasses a weekend or holiday, then the tape shall be submitted to the Commanding Officer on the next business day, unless exigent circumstances require otherwise;

(d) if the Communications Supervisor is advised by a dispatcher that a platoon supervisor(s) has been carried 10-50 (Not available for assignment, reason unknown) for not approving/disapproving a vehicle pursuit declaration, notification shall be made via 105 (interoffice correspondence) to the Deputy Superintendent of the Field Operations Bureau within twenty-four (24) hours.

PR314.6 NCIC RESPONSIBILITIES

When NCIC is notified of a pursuit, the information requested by the Communications Supervisor is of primary importance. It is the responsibility of the NCIC officer to use the information at hand to determine if the vehicle is reported stolen, has been stolen but not reported as yet, or any other pertinent information that may be known relative to the vehicle or occupants. This must be done as soon as possible as it is necessary for the pursuit supervisor to have this information to make the decision as to whether or not the pursuit will continue. If the information supplied is insufficient to make such a determination, this fact must be relayed to that supervisor as soon as possible.

PR314.7 PURSUIT SUPERVISOR'S RESPONSIBILITIES

A platoon supervisor shall always be monitoring the district dispatch talk group. The platoon supervisor is responsible for immediately responding to the officer's broadcast of the initiation of a vehicle pursuit.

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The pursuit supervisor shall obtain the pertinent facts from the unit in pursuit and verbally authorize the pursuit, not authorize the pursuit, or discontinue the pursuit over the dispatch talk group where the pursuit originates to the units involved and the dispatcher in a manner consistent with express approval, defined herein.

Once approval for a pursuit is granted, it is the pursuit supervisor's responsibility to control the pursuit. He/she shall determine if the pursuit is to continue based on his/her conclusion that the offense known or reasonably suspected is serious enough to justify the pursuit. The supervisor may request additional information from any involved party (primary unit, secondary unit, police communications, NCIC, etc.) prior to making a decision.

He/she may also base his/her determination on factors including, but not limited to:

(a) type of violation (known or reasonably suspected);

(b) speed and degree of violator's recklessness;

(c) supervisor's knowledge of pursuit officer's capabilities;

(d) type of area (residential, school, commercial, etc.);

(e) is the suspect's identity known?;

(f) weather;

(g) time of day;

(h) are radio transmissions intelligible?;

(i) can pursuing officer report his location?;

(j) condition of primary unit; and

(k) reliable information exists for a follow-up investigation.

In the event a pursuit is to be terminated, the supervisor shall advise the primary unit and the communications dispatcher.

The primary and secondary unit shall immediately respond and terminate the pursuit. The pursuit supervisor shall repeat his order to terminate the pursuit until all units acknowledge.

If applicable, the pursuit supervisor shall proceed to the scene of the apprehension and provide appropriate assistance and supervision at the scene.

The pursuit supervisor shall ensure that all required post-incident notifications are made and that all written reports are completed and forwarded to the proper persons. A pursuit supervisor shall be expressly prohibited from actively engaging in a vehicular pursuit. This is necessary in order for the pursuit supervisor to objectively evaluate the pursuit as it unfolds.

If a supervisor is actively engaged in a pursuit, the pursuing supervisor shall request another supervisor in his/her district or, if in a district other than that assigned, a supervisor from the district where the pursuit is occurring to take on the role of pursuit supervisor.

PR314.8 PRIMARY UNIT RESPONSIBILITIES

Officers engaged in a pursuit shall, at all times, drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area. Driving practices taught at the Departmental tactical driving course shall be utilized. All emergency equipment must be activated. The vehicle's factory emergency flashers shall not be activated, as they interfere with the operation of the turn signals.

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The primary officer shall report all changes in direction or location. He/she shall provide updates on any pertinent information, such as further description, discharge of weapons, etc., as they occur.

All units shall maintain an adequate following distance to allow for adequate reaction and braking time.

When approaching or entering an intersection controlled by a stop sign or red signal, all officers shall slow their vehicles to a speed considered reasonable and which would allow them to bring their vehicles to a complete stop if necessary. If the signal is green, officers shall slow their vehicles to a speed that is consistent with reasonable care.

Any primary or secondary unit sustaining damage that jeopardizes the safe operation of the vehicle or a failure of essential radio communications or emergency equipment shall immediately discontinue the pursuit. Control may be passed to the secondary unit. The operator of the damaged unit shall immediately notify police communications.

Officers **should not** engage in pursuits when their vehicle is occupied by a prisoner, suspect, complainant, witness or any other person who is not a sworn police officer unless exigent circumstances are present. Officers **shall not** participate in a pursuit when their vehicle is occupied by more than one prisoner, suspect, complainant, witness or any other person who is not a sworn police officer. In the event the primary unit decides to terminate the pursuit, it is his/her responsibility to inform police communications as well as the secondary unit and his pursuit supervisor. The pursuit shall be terminated at this point. If directed to terminate a pursuit, the primary unit shall immediately do so and acknowledge the order.

Officers shall not use "following a vehicle" solely to avoid the declaration of a vehicle pursuit. If the pursuit is terminated by the dispatcher or Command Desk personnel, the primary unit shall be responsible for acknowledging the termination and discontinuing the pursuit.

PR314.9 SECONDARY (BACK-UP) UNIT RESPONSIBILITIES

The objective of having a secondary unit in the pursuit is to provide immediate assistance to the primary unit should the need arise. If the primary officer or violator is involved in a collision, the secondary unit shall report the collision and stop to render aid. If necessary, another unit shall be notified and assume the duties of primary or secondary unit. **The capture of the violator is always secondary to the welfare of officers and innocent citizens who may unintentionally become involved.**

No more than one secondary field unit shall be allowed in the pursuit unless specifically approved by the pursuit supervisor. **Drivers of secondary units shall, at all times, abide by the same guidelines as the primary unit.**

The secondary unit's initial responsibility is to join the pursuit. Once this has been accomplished, he/she shall notify police communications and assume the responsibility of broadcasting the progress of the pursuit unless the situation indicates otherwise.

The secondary unit shall observe a proper following distance behind the primary unit. All emergency equipment shall be operated, including headlights. The vehicle's factory emergency flashers shall not be activated, as they interfere with the operation of the turn signals. The siren shall be set to a tone other than that of the primary unit's and operated continuously.

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No unit shall pass another unit involved in the pursuit unless specifically requested to do so by the primary unit or the primary unit is disabled requiring the secondary unit to become the primary unit.

PR314.10 OTHER UNITS RESPONSIBILITIES

Although more than two units are specifically prohibited from engaging in a pursuit, other units may, at the direction of the pursuit supervisor, attempt to maneuver themselves to a position of advantage. This may include any of the following activities:

(a) closing cross streets to traffic to prevent innocent third parties from becoming involved in the pursuit;

(b) closing avenues of escape to the violator in an attempt to "channel" the pursuit to a predetermined location; or

(c) if there is to be a predetermined or likely termination of the pursuit, being in the area should assistance be needed.

Other units are to obey all traffic laws and paralleling is prohibited.

PR314.11 USE OF DEADLY FORCE

No procedure can anticipate every action a violator may take nor every mechanism an officer must employ to defend himself, should the need arise. However, the Department's position is clear: **The capture of the violator is secondary to the safety of officers and general public.**

The following actions are **strictly prohibited** for tactical as well as safety reasons:

(a) roadblocks (i.e., completely blocking the roadway with vehicles or any obstructions, with the exception of approved devices as outlined in this regulation, designed to demobilize the pursued vehicle's movement.)

(b) caravaning - more than two units in pursuit;

(c) intentionally positioning oneself in the path of or reach inside the pursued vehicle;

(d) following a violator the wrong way on divided highways or into the path of oncoming traffic;

(e) boxing-in a violator with moving vehicles;

(f) performing PIT maneuvers

(g) ramming a violator with a police vehicle;

(h) firing shots at the pursued vehicle **unless an officer is placed in a deadly force situation**. Officers should be extremely cautious in using deadly force in self-defense when the deadly force used by the other person is an automobile and the other person is trying to get away. The suspects intentions are usually ambiguous and the officer can usually escape harm at least as well by evading the vehicle as he can by standing his ground and firing at the oncoming vehicle. An officer almost never has a safe or effective shot at a moving vehicle. In making this determination, the officer must consider the consequences of stray shots endangering innocent parties and must consider the consequences of the vehicle going out of control at a high rate of speed. Police Officers shall not discharge a firearm from a moving vehicle or at a moving vehicle unless the occupants of the vehicle are using deadly force, other than the vehicle itself, against the member or another person, and such action is necessary for self defense or to protect the other person, and where possible shall attempt to

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move out of the path of a moving vehicle before discharging their weapon. [See policy/procedure concerning Use of Force]

PR314.12 PURSUIT TERMINATION CONSIDERATIONS

Pursuits shall be immediately terminated in any of the following circumstances:

(a) the violator proceeds the wrong way on a limited access highway, street, avenue, or boulevard;

(b) the pursued subject can be positively identified and there is no longer a need for immediate apprehension;

(c) the danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect;

(d) a supervisor directs the termination of the pursuit;

(e) weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;

(f) the distance between the pursuing and fleeing vehicles is so great that further pursuit is futile;

(g) visual contact with the pursued vehicle is lost for a significant amount of time; or

(h) the officer is unfamiliar with the area and is unable to accurately notify police communications of the location and direction of pursuit;

PR314.13 PURSUITS INITIATED BY OTHER AGENCIES

Department personnel may not engage in pursuits that are conducted by other agencies, except in the following circumstances:

(a) department units are specifically requested by the pursuing agency to assist in the apprehension of the fleeing suspect and the district platoon supervisor authorizes the assistance; and

(b) when only one vehicle from another agency is already in active pursuit and department officers are instructed by the platoon supervisor to assist.

If the Platoon Supervisor authorizes the pursuit, he/she shall notify units in the district where the pursuit ensues. The first departmental unit coming into contact with the pursuit shall assume the role as the secondary unit.

The departmental officer engaged in an inter-agency pursuit shall be responsible for updating his Pursuit Supervisor and police communications as to conditions and location of the pursuit. Unless this officer requests additional back-up, no other units are to engage in the pursuit.

If the unit from the initiating agency terminates the pursuit, all involvement by this Department ceases.

The Pursuit Supervisor or the officer involved may terminate our agency's involvement if he/she has reason to do so. However, the agency which initiated the pursuit must be notified prior to termination so it may notify its unit(s).

If the pursuit is terminated by the NOPD pursuit supervisor or Department member because it does not follow our Departmental guidelines and the initiating agency maintains pursuit, NOPD units shall maintain a presence in the area. Updates shall be broadcast so that

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officers not assigned to calls may place themselves in a position to assist when the pursuit terminates. All traffic laws shall be observed by these units.

PR314.14 REPORTS REQUIRED FOLLOWING A PURSUIT

After a pursuit, the pursuit supervisor shall complete the Vehicle Pursuit Report. The narrative portion of the Vehicle Pursuit report shall include the violation that prompted the pursuit; the officer(s) involved in the pursuit; the rank and name of the supervisor authorizing the pursuit; the outcome of the pursuit; any officer, suspect, or bystander injuries or deaths; property damage; and related criminal or civil legal actions. This data and analysis shall be included in the EWS and in NOPD's Use of Force Annual report.

The pursuit supervisor shall forward the Vehicle Pursuit Report and a copy of all reports generated by the incident to the pursuing officer's district/unit Commander.

The District/Unit Commander will review and forward all reports, plus a written assessment of the pursuit to the Deputy Superintendent of the Field Operations Bureau, or his/her designee within seventy-two (72) hours of the occurrence, excluding weekends and/or holidays.

The Deputy Superintendent of the Field Operations Bureau, or his/her designee, shall review and evaluate the pursuit. Should the Field Operations Bureau Deputy Superintendent,or his/her designee determine that improper procedures were utilized, he/she will take the appropriate action. If the pursuit was determined to be improperly conducted, disciplinary action may be imposed on the supervisors, dispatchers, or officers involved.

After a review of the Commander's written assessment, the Deputy Superintendent of the Field Operations Bureau, or his/her designee shall then forward a copy of the Vehicle Pursuit Report, the Commander's Assessment, audio tapes and any related reports and/or documents associated with the incident to the Risk Management Section and the Public Integrity Bureau within five working days.

A receipt shall be signed acknowledging receipt of these materials by a representative of the Risk Management Section and the Public Integrity Bureau. The Deputy Superintendent of the Public Integrity Bureau or his/her designee shall review and evaluate the pursuit. If the Deputy Superintendent of the Public Integrity Bureau or his/her designee determines that improper procedures were utilized, he/she shall take appropriate action. If the pursuit was improperly conducted, disciplinary action may be imposed on the supervisors, dispatchers, or officers involved.

The completed review of the pursuit shall be maintained by the Public Integrity Bureau. Risk Management shall prepare an assessment which shall address training and safety related issues and summarize any recommendations. Risk Management shall gather and summarize all pursuit reports and related accident reports for use by the Accident Review Board.

In the event that an incident is designated as a vehicle pursuit and the officer's Commanding Officer believes otherwise, an interoffice correspondence (105) and a copy of the audio tape of the incident shall be submitted to the Deputy Superintendent of the Field Operations Bureau or his/her designee within five (5) days. A copy of the 105 shall be directed to the Risk Management Section through the Management Services Bureau.

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PR314.15 TRAINING REQUIREMENTS

Officers shall not engage in a pursuit until they have successfully completed the Departmental Tactical Driving Course. Officers shall also be required to attend in-service training sessions as offered by the department's Education and Training Division, that specifically cover the Department's pursuit policy and tactical driving updates. All departmental law enforcement personnel shall retain a copy of the pursuit policy and shall refer to it as a basis for initiation, continuation, or termination of a pursuit.

PR314.16 LEGAL DISCLAIMER

This policy is for Departmental use only and does not apply to any criminal or civil proceeding. This policy shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations of this policy shall form the basis of Departmental administrative sanctions only.

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Officer Response to Calls

PR316.1 GENERAL INFORMATION

Controlling the response to emergency calls may require increased utilization of the involved radio channel. For this reason, members shall acknowledge if they are authorized to respond and limit other conversation to the minimum necessary.

THE FOREGOING PROVISIONS SHALL NOT RELIEVE THE DRIVER OF AN AUTHORIZED VEHICLE FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS, NOR SHALL SUCH PROVISIONS PROTECT THE DRIVER FROM THE CONSEQUENCES OF HIS RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.

All members of the New Orleans Police Department are prohibited from operating department vehicles upon any courtyard or sidewalk except as listed below. These areas are considered pedestrian and park thoroughfares and are not intended for vehicular travel. Officers shall utilize common driveway and roadway passages for their vehicular operation, with parking authorized only in designated bays or other legal areas.

(a) Exceptions:

1. Any crime in progress where there is an imminent risk of death or great bodily harm.
2. Any medical assistance call where there is an imminent risk of death or great bodily harm.
3. With expressed permission of a supervisor, officers who are in the process of serving an arrest or search warrant where the placement of a police vehicle is necessary to ensure the safe execution of the warrant may drive a vehicle onto the courtyard.

Officers who apply the above exceptions are mandated to operate their vehicles at no more than 10 miles per hour with lights and sirens active. The use of lights and sirens may be waived for the execution of arrest and search warrants. Officers shall exercise due caution in ascertaining the presence of children and other pedestrians. Vehicular pursuits through and upon a housing development courtyard will not be allowed under any circumstances.

PR316.2 RESPONSE CODES

Code 1

Routine response, proceed directly to the scene obeying all traffic laws.

Code 2

Prompt response, proceed directly to the scene obeying all legal speed limits. Limited use of siren may be authorized as an aid in obtaining the right of way when traffic congestion exists. Flashing lights shall be employed throughout response. Intersection controls may be disregarded only after a full stop of the police vehicle. The police vehicle shall not proceed through the intersection until all other vehicles have yielded right of way. The police officer disregarding an intersection control assumes full responsibility for traversing the intersection safely. Travel on multi-lane streets shall be restricted to the left lane as far as possible.

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Code 3

Emergency response, proceed directly to the scene under the same conditions as described in Code 2 except the legal speed limit may be exceeded by no more than ten miles per hour. Siren and flashing lights shall be used whenever the speed limit is exceeded. Code 3 may only be authorized in the following circumstances:

(a) a signal 108 - officer needs assistance; life in danger;

(b) an in-progress felony incident which is likely to result in death or serious injury, such as a shooting, armed robbery, kidnapping, or aggravated rape; or

(c) in other situations if specifically authorized by a ranking officer.

NOTE: Additional cars authorized to respond to a Code 2 or Code 3 call need not necessarily be authorized to respond on the same code.

Code 4

Under control - As soon as any officer on the scene determines the scene is under control, a Code 4 shall be transmitted by the dispatcher on each channel affected by the emergency situation. All units not required on the scene shall not continue but will return immediately to their assigned area or assignment. Additional units which are required shall proceed on a Code 1. The supervisor on the scene of the incident shall be responsible for ensuring only those units absolutely necessary remain on the scene.

PR316.3 REQUIRED AUTHORIZATION TO ROLL CODE 2 OR 3

Only those units which are specifically authorized and assigned to roll on a Code 2 or Code 3 basis may do so. Other units shall remain in their assigned areas or proceed on a Code 1 only if authorized. This applies to unmarked and marked units.

When a Code 2 or Code 3 call is transmitted, it shall be the dispatcher's responsibility to assign a primary unit and, if appropriate, a back-up unit to respond. The assignment shall be based on availability, accessibility, and type of unit. It is the responsibility of the ranking officer to supervise the response and handling of the call. Additional units or substitutions must be authorized by a district supervisor.

Specialized units may be requested through the dispatcher if needed. The requesting unit shall be responsible for notifying the dispatcher of the appropriate response code for the specialized unit. Unless specifically instructed to proceed otherwise, specialized units shall respond on a Code 1.

PR316.4 TACTICAL RESPONSE

Upon initiating a Code 2 or Code 3 call, it is essential that the unit initiating the emergency call provides as much information as possible regarding the circumstances so district supervisors can determine the appropriate response. Depending on the circumstances, the district supervisor shall determine the number of units needed, what response code they shall use, whether special units are needed, whether control points should be established, etc. In certain emergencies, lights or sirens may be counterproductive and a slow, deliberate approach preferable. It is the responsibility of district supervisors to coordinate an appropriate tactical response, including authorizing additional units if necessary. The dispatcher is not authorized to simulcast unless specifically directed to do so by a district supervisor or the dispatch supervisor.

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PR316.5 DOCUMENTATION

In cases where the district supervisor authorized more than three district patrol units to respond to a call on a Code 2 or Code 3, the Communications Services shall notify the appropriate Bureau Chief by forwarding a copy of the complaint history. The district supervisor who authorized the additional units shall submit an NOPD form 105 through the chain of command to the Deputy Chief of the Field Operations Bureau. The correspondence shall contain the following:

(a) the reason for the additional units authorized;

(b) the total number of units authorized;

(c) the number of units who arrived on the scene prior to the issuance of a Code 4;

(d) the location of the units when authorized to roll; and

(e) a copy of all reports involving accidents, damage or injury involving responding units.

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ALTERNATIVE POLICE RESPONSE

PR317.1 ALTERNATIVE POLICE RESPONSE (APR) - OFFICER RESPONSIBILITIES

Officers assigned to the Alternative Police Response Unit (APR) shall:

(a) Review all pending calls for service to determine possible APR intervention utilizing the guidelines in Policy 317.4, Guidelines.

1. Once a complainant has been contacted and it is determined that an officer must be dispatched to handle the complaint, the APR officer shall inform the complainant that an officer will be responding and return the call to pending status, and notify his/her supervisor.
2. If the APR officer determines that any call requires an immediate or emergency response, they shall immediately supplement the incident with the appropriate information, designate the incident as a Call for Service (CFS), apply the appropriate priority code and notify his/her supervisor.

(b) Utilize the dedicated, recording telephone lines when contacting complainants throughout the investigatory process.

(c) Complete all required incident reports per current department policy.

(d) Complete and submit all reports taken before the end of his/her authorized work shift. No reports shall be held over until his/her next shift.

(e) Make every effort to contact a complainant whose call for service has been pending for more than thirty minutes. This includes both APR and non-APR calls for service.

(f) Complete an Officer's Daily Activity Report (Form #31), detailing each APR incident/call handled and its disposition.

In instances where a complainant insists on a physical response by an officer, the APR officer shall redirect the incident as a CFS and notify his/her supervisor. APR officers shall sign and date an APR Officers Duties and Responsibilities letter (Form # 276) to ensure he/she understands the tasks and responsibilities of the APR program prior to being given an assignment in the APR unit.

PR317.2 ALTERNATIVE POLICE RESPONSE - SUPERVISOR RESPONSIBILITIES

The APR supervisor shall perform accountability audits to include:

(a) Random victim/complainant satisfaction "call backs" on calls handled by officers assigned to the APR Unit.

(b) Random audits of tape recorded telephone lines designated to the APR unit.

Supervisor shall be responsible for monitoring all APR calls which have been redirected as a CFS by a district officer. The APR supervisor shall ensure that all APR reports are recorded in the authorized department application. The APR supervisor shall be responsible for keeping statistical data on the following:

(a) Names of Officers assigned to the APR unit

(b) Dates of assignments

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(c) Cumulative number of hours worked

(d) Number of calls addressed

(e) Number of reports completed

(f) Number of calls redirected from APR to CFS

The APR supervisor shall be responsible for preparing a weekly COMSTAT report.

PR317.3 COMMUNICATIONS SERVICES RESPONSIBILITIES

The Commander of Communications Services shall be responsible for initiating internal policies for classifying incoming complaint calls.

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Search and Seizure

PR322.1 GENERAL INFORMATION

Officers shall only conduct searches in accordance with the rights secured or protected by the Constitution and laws of the United States.

Officers shall only conduct field strip searches of arrestees under rare and exigent circumstances where the life of the officers or others may be placed at risk, under conditions that provide privacy and with the explicit approval of a supervisor.

When approval to conduct a strip search is requested, the supervisor shall immediately respond to the scene to approve the strip search.

Officers shall only conduct searches of individuals on probation or parole where legal authority for the search has been established.

Each District and specialized unit shall maintain, in a central location, a log listing:

(a) each search warrant;

(b) the case file where a copy of such warrant is maintained;

(c) the officer who applied for the search warrant; and

(d) each supervisor who reviewed the application for a search warrant.

PR322.2 SEARCH WARRANTS - GENERAL

Search warrants for Criminal District Court shall be executed on N.O.P.D. forms 117A (Application), 117W (Search Warrant), and 117R (Warrant Return). All forms shall be typed.

(a) The Application and Search Warrant shall provide an accurate and clear description of the reasons for the request for the search;

(b) Place or thing to be searched; and

(c) Items or possible evidence that are the purpose of the search.

Search Warrants for Criminal Court shall be signed by an on-duty magistrate, or a Judge of Criminal District Court.

Search Warrants shall be prepared and distributed as indicated on the forms.

Search Warrants are required by statute to be executed within ten days, including the date of issue, or they become invalid.

EMS shall be contacted and available prior to executing a search warrant.

Search Warrants are required by statute to be returned to the issuing judge within ten days, including the date of execution.

PR322.3 OFFICER RESPONSIBILITY

Investigating officers shall not detain non-occupants present at the location where a search warrant is executed for longer than reasonably necessary to secure the area, or where the

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officer has individualized reasonable suspicion that the non-occupant is involved in criminal activity or poses a danger to officer safety.

Investigating officers shall list all property seized in connection with the execution of the warrant in the space provided on the Warrant Return. A receipt for items seized shall be provided. A copy of the receipt shall be made part of the report.

The name, sex, age, and address of each person arrested in connection with the execution of the warrant shall be listed on the Warrant Return. All available information concerning wanted individuals arising out of the execution of the warrant shall also be listed on the Warrant Return.

All Search Warrants shall be completed and distributed even though the warrant may not be executed or becomes invalid. In those instances where the warrant is not executed, or becomes invalid, the investigating officer shall mark the Search Warrant "not executed" and shall distribute as indicated on the form. (117W)

PR322.4 SUPERVISOR'S RESPONSIBILITY

Supervisors shall review each request for a search warrant, including each affidavit or declaration, before it is filed by an officer in support of a warrant application, for:

(a) Appropriateness;

(b) Legality; and

(c) Conformance with NOPD policy.

The Supervisor shall assess the information contained in the warrant application and supporting document's authenticity, including:

(a) Use of "boilerplate" or "pat" language;

(b) Information is consistent; and

(c) Probable cause has been articulated.

Supervisory responsibility on the scene of all executed search warrants shall be as follows:

(a) A ranking officer from the investigating officer's chain of command shall be responsible for on scene supervision during the execution of a search warrant.

(b) Prior to executing a search warrant, the supervisor shall meet with the investigating officer(s) to assess probable cause factors which led to the issuance of the warrant, confirmation of the target location, and coordination of entry strategy. (Assist in developing an operational plan for execution of the warrant)

The following shall be mandatory after the execution of a search warrant:

(a) The investigating officer's platoon commander shall meet with the scene supervisor and entry team members to conduct an assessment of operational effectiveness.

    1. Assessment factors should include the reliability of information used as a basis for the warrant.

    2. Procedures used to identify the target location and overall performance of entry team members.

    3. Recommendations to improve performance shall be forwarded to the respective District or Division Commander for further consideration and/or action.

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(b) As part of the supervisory review, the supervisor shall track those warrant applications that are legally unsupported, are in violation of NOPD policy or the Consent Decree, or that indicate a need for corrective action to address violations or deficiencies, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation.

(c) The quality and accuracy of search warrants and supportive affidavits or declarations shall be taken into account in officer performance evaluations.

Supervisory responsibilities on high risk warrant scenes involving the Special Operation Division (Tactical) or Major Narcotics Case Section shall be no less restrictive than those outlined above.

Supervisors shall review and document the search in an after-action report within twenty-four (24) hours of the execution of the warrant.

PR322.5 CONSENT TO SEARCH

An officer shall immediately notify a supervisor when considering a search based on consent, and the supervisor shall approve the search before it is conducted.

When a Consent to Search is obtained, officers shall:

(a) Affirmatively inform the subject of his or her right to refuse and to revoke consent at any time.

(b) Document the subject's consent on the "Consent to Search Form" (Form #146) which explains these rights.

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CUSTODY SEARCHES

PR323.1 PAT-DOWN SEARCHES - JUSTIFICATION FOR CONDUCTING PAT-DOWN SEARCHES

A law enforcement officer has the right to perform a pat-down search of the outer garments of a subject for weapons if he/she has been legitimately stopped with reasonable suspicion.

Additionally, the officer must have a reasonable fear for his own or another person's safety. Clearly, not every field interview poses sufficient justification for conducting a pat-down search. These searches are only justifiable and may only be performed to protect the safety of officers and others and may never be used as a pretext for obtaining evidence.

The following criteria may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all-inclusive - there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to support reasonable suspicion for the search. These factors must be articulable.

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one subject must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the subject's use of force and/or propensity to carry deadly weapons.

(e) The appearance and demeanor of the subject.

(f) Visual indications which suggest that the subject is carrying a weapon.

(g) The age and gender of the subject.

PR323.1.1 PROCEDURES FOR PERFORMING A PAT-DOWN SEARCH

When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution, restraint, and sensitivity. Under these circumstances, pat-down searches should be conducted in the following manner:

(a) Whenever possible, pat-down searches should be conducted by at least two officers, one who performs the search while the other provides protective cover. When possible, a pat-down search should be performed by an officer of the same gender as the subject being searched. If an officer of the same gender is not immediately available to conduct the search, the search should be done with the back of the officer's hand, or with the fingertips.

(b) Because pat-down searches are cursory in nature, they should be performed with the subject in a standing position or with hands placed against a stationary object and feet spread apart.

(c) In a pat-down search, officers are permitted only to externally feel the outer clothing of the subject. The officer may not manipulate the object(s) with his/her fingers. An officer may not place his/her hands in pockets unless he/she feels the object could reasonably be a weapon, such as a firearm, knife, club, or other item.

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(d) Items of contraband, which are immediately recognizable as contraband using a pat down search (without manipulation of the object), can be seized as evidence.

1. For successful prosecution, the officer must articulate within his/her report the reason for the pat down search, and the basis of his/her belief the subject was carrying a weapon.

(e) If the subject is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item, but instead place it out of reach of the subject.

(f) If the external feeling of the subject's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

1. If the item seized is not a weapon, but found to be illegal contraband, the subject shall be arrested and the provisions of subparagraph (d) above shall apply.

PR323.2 STRIP SEARCH

An incident report must be written for any offense which includes a strip search. Following a strip search, the officer performing the search shall include in his/her incident report narrative, at a minimum, the following:

(a) date, time, and place of the search;

(b) identity of the officer(s) conducting the search and the officer(s) requesting the search, if different;

(c) identity of the individual(s) searched;

(d) identities of those present during the search;

(e) identity of the supervisor authorizing the search;

(f) a detailed description of the nature and extent of the search; and

(g) any weapons, evidence, or contraband found during the search.

PR323.3 BODY CAVITY SEARCHES

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures shall be followed:

(a) The officer shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only when the suspected offense is of a very serious nature or poses a threat to the safety of officers or others.

(b) If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause. The statement should include why a body cavity search is deemed necessary.

(c) Body cavity searches shall be performed with due recognition of privacy.

(d) Body cavity searches shall only be performed by medically trained personnel, such as a doctor or a nurse (i.e., only a doctor is qualified to perform a search of a suspect's stomach).

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(e) An incident report shall be made concerning the search regardless of a successful or unsuccessful outcome.

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Temporary Custody of Juveniles

PR324.1 DEFINITIONS

Minor - Article 116 defines a minor as a person who has not attained the age of eighteen years. This definition applies to all segments of these chapters (44 series) relating to child abuse cases.

Truant - Article 728 of the Louisiana Children's Code defines truancy as the repeated or habitual unauthorized absence from school by a child who is subject to the compulsory attendance laws of this state. Municipal ordinance further defines truant as any child, below the age of seventeen, who remains in any public place or establishment during the truancy hours, as defined by city ordinance, on any day which said child is required to be in school.

Curfew - Municipal ordinance defines a curfew violator as any unmarried natural person, less than seventeen years of age, who is not fully emancipated pursuant to Louisiana civil law, and who is away from his/her place of abode during the nighttime hours specified in the ordinance.

Caretaker - Article 601 of the Louisiana Children's Code defines a caretaker as any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, or other person providing a residence for a child.

Ungovernable - Defined as a child's behavior where he/she habitually disregards the lawful and reasonable demands of his/her caretaker(s), and the child is beyond their control.

Custodian Relationship - For the purpose of determining responsibility in child abuse cases, a custodial relationship exists between a minor and any person responsible for the temporary or continued care and/or custody of the minor. This includes, but is not limited to, a parent, guardian, grandparent, aunt, uncle, sibling, family member, baby-sitter, teacher, and/or employee of a public or private day care center.

PR324.2 GENERAL INFORMATION

All officers shall utilize the least coercive action among reasonable alternatives, consistent with New Orleans Police Department policies and regulations, when dealing with juvenile offenders. Reasonable alternatives shall include, but not be limited to, release of the individual with no further action, issuing a warning or traffic citation, and/or arrest of the offender and referral to Juvenile Court. Investigating officers shall examine the facts of the situation to determine if the juvenile is alleged to have been or was involved in noncriminal behavior. If the behavior alleged to have been committed by the juvenile is noncriminal in nature, it should be classified as a status offense. The investigating officer shall be responsible for conducting a thorough and complete investigation, and determining if the circumstances warrant the physical arrest of the offender, the custodial release of the offender, or the issuance of a Juvenile Warning Citation.

Any juvenile taken into custody shall be immediately transported directly to the Juvenile Intake Unit for processing. (Louisiana Revised Statutes, Code of Juvenile Procedure, Louisiana Children's Code Article 814 Section B, 2, states "If *a child is taken into custody without a court order or warrant, the officer shall have the responsibility to promptly escort the child to the appropriate facility in accordance with Article 815*." Article 815, Section B

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stipulates, "*If a child has been taken into custody for the commission of a felony-grade delinquent act or of a misdemeanor-grade act, based upon an offense against the person of another, the child shall be taken to the Juvenile Section*."

PR324.3 INSTRUCTIONS - JUVENILE ARRESTS

The arrested juvenile shall be transported in a police vehicle in accordance with current procedure regarding arrested subjects. Permission to transport juveniles in a prisoner wagon may be given by the arresting officer's immediate supervisor, provided juveniles are transported only with other juveniles of the same sex.

(a) Arrested juveniles may not be detained in a prisoner van for extended periods of time awaiting transport. Juveniles shall be immediately transported to the Juvenile Section.

When probable cause for an arrest is established, the investigating officer shall make the arrest. If the juvenile cannot be located, the officer shall obtain an arrest warrant in accordance with current procedure. Juvenile arrest warrants may be signed by a Magistrate Judge or a Juvenile Court Judge. In cases where an arrest warrant is necessary, the investigating officer's unit shall be responsible for forwarding a copy of the report and warrant to NCIC and the Juvenile Intake Unit. **Officers shall make every effort to obtain a Juvenile Judge's signature on a juvenile arrest warrant before resorting to a Magistrate Judge.**

Physical arrests shall be made in all felony cases, as well as misdemeanor cases involving weapons, injury, violence, resisting arrest, narcotics violations, or outstanding warrants. Each juvenile physically arrested shall be immediately transported directly to the Juvenile Intake Unit for processing and referral to Juvenile Court. Under no circumstances shall a juvenile arrested for any of the above offenses be released by the arresting officer prior to reaching the Juvenile Intake Unit. **Under no circumstance shall an arrested juvenile be transported to a district station.**

Should transport be delayed due to investigative reasons, the officer shall notify his/her supervisor and the Juvenile Section.

The Juvenile Intake Unit shall notify the arrested juvenile's parent, guardian, or immediately informing them of the facts of the investigation.

The following procedures shall be utilized whenever an officer is interrogating a juvenile:

(a) Advise the juvenile of his/her constitutional rights, according to Miranda.

(b) Explain the Miranda warnings to the parent, guardian, and/or attorney acting on the juvenile's behalf, obtaining permission for the juvenile to be interrogated.

(c) Allow the juvenile to consult privately with the parent, guardian, attorney, prior to the interrogation.

(d) Limit the interrogation to a reasonable period of time to avoid causing undue stress to the juvenile.

(e) No more than two (2) officers plus one (1) officer from the Juvenile Intake Unit shall be present during the interrogation.

Basic questions may be asked relative to the juvenile's name, address, age, date of birth, identity of a caretaker, etc., without the presence of a parent or caretaker. If the offense is one in which the juvenile can be charged as an adult, he/she will still be processed according to this regulation.

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Photographs of arrested juvenile shall be taken under one or more of the following circumstances:

(a) all felony arrests;

(b) all misdemeanor arrests involving weapons;

(c) all arrests involving drugs; and

(d) orders of the Juvenile Court.

PR324.3.1 TRAFFIC ARRESTS

If a juvenile is apprehended for violation of La. R.S. 14 article 98, relative to driving while intoxicated and La. R.S. 14 article 100, relative to hit and run driving, the juvenile shall be physically arrested and transported directly to the hospital prior to transport to the Juvenile Intake Unit.

When a juvenile is apprehended for driving without a valid operator's license, and there are no other criminal charges, the arresting officer possesses the option of performing a custodial release as outlined below:

(a) The investigating officer shall complete an incident report face sheet and gist page, having the parent/guardian sign the custodial release section acknowledging the transfer of custody. Additionally, the name of the parent/guardian accepting custody of the juvenile shall be listed on the white copy of the traffic citation in the witness section. The incident report face sheet, gist page with the custodial release information and a photocopy of all citations issued, shall be forwarded to the Juvenile Intake Unit. The original copies of the citation(s) shall be turned in at the officer's place of assignment and forwarded to the Ticket Processor as per current procedure.

If a custodial release is not appropriate, the juvenile offender shall be immediately transported to the Juvenile Intake Unit for processing.

If the juvenile has been issued a valid operator's license, but does not have the license on his/her person at the time of the offense, the investigating officer shall confirm that the license has been issued and is currently valid. If the license is valid, the juvenile shall be issued a citation for no operator's license on person.

If a juvenile is cited for traffic violation other than those listed above, the issuing officer shall complete the citation as per current regulation governing the issuance of traffic citations. If no other violations exists (curfew, truancy, etc.), the juvenile shall be release. Traffic violations involving other offenses shall be handled as per the regulation governing the most serious act.

PR324.3.2 TRUANCY ARRESTS

Officers detaining truant juveniles who are school age shall immediately transport the truant juvenile to a truancy center designated for such intake by the Orleans Parish Public School System before 2:00 P.M. on each school day. Prior to transferring custody to the school administrator, the arresting officer shall complete a Juvenile Warning Citation, for the Truancy Center, as prescribed in this regulation.

(a) Parental notification of the juvenile's detention in a truancy center shall be the responsibility of personnel assigned the facility accepting custody of the juvenile.

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(b) If a school age juvenile who is subject to the compulsory school attendance law of this state is not registered in an appropriate school, the detaining officer shall transport the juvenile to the Juvenile Intake Unit for processing.

PR324.3.3 CURFEW ARRESTS

If an officer suspects a violation of the city's curfew ordinance, the officer shall immediately detain and interview the suspected offender. If the suspect is sixteen (16) years of age or younger, and is not engaged in one of the exempted activities defined in the municipal ordinance, the officer shall arrest the offender and immediately transport him/her to the designated Curfew Center, or to the Juvenile Intake Unit. Prior to relinquishing custody of the curfew violator to the Juvenile Intake Unit, the arresting officer shall prepare a brief offense report articulating the facts of the incident, establishing probable cause for the arrest. Violators shall be arrested in each instance regardless of prior curfew history.

(a) Parental notification of the child's transport to either the Juvenile Intake Unit or the Curfew Center shall be the responsibility of the personnel assigned to the facility accepting custody of the juvenile.

PR324.4 INCIDENT REPORTS

Arresting officers shall complete his/her original incident report, supplying a copy of the report to the Juvenile Intake Unit prior to transferring custody of the arrested juvenile. When the complexity of a particular investigation renders the immediate generation of an incident report inappropriate, (i.e. Homicide or Rape cases) the on duty Juvenile Intake Unit supervisor shall be consulted. After reviewing the circumstances, the Juvenile Intake Unit's supervisor may grant the investigating officer permission to forward a completed copy of the offense report to the Juvenile Intake Unit at a later date.

In certain misdemeanor and status offenses, the original offense report may consist of a single face sheet and a gist page, provided the information required for prosecutorial review and acceptance is contained in the document. Single face sheet and gist page reports shall only be generated with the approval of the on duty Juvenile Intake Unit supervisor.

All offense reports submitted to the Juvenile Intake Unit, in conjunction with a physical arrest, shall be reviewed for form and content by the assigned booking detective or a Juvenile Intake Unit supervisor prior to accepting custody of the offender.

It is the responsibility of the officer's supervisor upon approving a supplemental report, to forward a copy of the approved supplemental report to the Juvenile Section.

PR324.5 JUVENILE WARNING CITATIONS

When utilizing a Juvenile Warning Citation, the investigating officer shall obtain an Item Number for a signal 21, and supply a disposition of N.A.T., one juvenile citation issued. Once completed, the juvenile will be supplied with the violator copy of the citation, and instructed to immediately deliver the citation to his parent or guardian.

The citation shall contain language instructing the juvenile's parent or legal guardian to contact the Juvenile Intake Unit within three (3) days of issuance to discuss the delinquent behavior. The issuing officer shall then instruct the juvenile to proceed directly home.

Juvenile Warning Citation forms shall be submitted for processing prior to the officer completing his/her tour of duty. The issuing unit's desk officer shall post the item number and citation numbers on the Daily Report of Juvenile Warning Citations. The issued

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citations and daily report form shall be processed on a daily basis by the department's Ticket Processor and delivered to the Juvenile Intake Unit.

Units not serviced by the department's Ticket Processor shall be responsible for delivering the Juvenile Warning Citation forms, and the daily report form, to the Juvenile Intake Unit no later than 24 hours after issuance.

Nothing in this procedure shall preclude the preparation of an incident report, or the physical arrest of an offender if deemed necessary by the investigating officer or his/her supervisor.

PR324.6 CUSTODIAL RELEASES

In instances of minor misdemeanor offenses for which a juvenile is arrested, the arresting officer may release the juvenile to his/her parent or guardian in accordance with the following:

(a) The Juvenile Intake Unit shall be contacted and a record check performed prior to release of the juvenile. Permission to perform the custodial release must be granted by the Juvenile Intake Unit's supervisor.

(b) The parent or guardian must be on the scene, or located within the immediate area.

(c) The parent or guardian must provide sufficient identification to establish the relationship.

(d) The parent or guardian must sign the custodial release section of the incident report, documenting the transfer of custody from the arresting officer to the offender's parent or guardian.

(e) The arresting officer shall forward a copy of the offense report to the Juvenile Intake Unit within twenty-four (24) hours of the incident.

Juveniles arrested for incidents falling within the State Arrest Exemptions (95G; 966; etc) shall not be released via a Custodial Release.

PR324.7 JUVENILE INTAKE UNIT

The following information outlines the duties and responsibilities of the Juvenile Intake Unit in addressing juvenile crime and methods of diverting children from the Juvenile Justice System. The department shall aggressively investigate any incident involving a juvenile or minor as defined in Policy 324 whether the juvenile or minor is the victim of a crime, or the perpetrator of a criminal offense.

The New Orleans Police Department is committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency. It shall be the responsibility of all members of the department to support the Juvenile Intake Unit's mission, adhering to the policies and procedures.

The department's goal shall consist of diverting juveniles from delinquency by participating in alternative programs offered through local, state, and federal programs. The Juvenile Intake Counseling Program can be utilized to achieve this goal.

The Juvenile Intake Unit shall be responsible for meeting periodically with outside agencies, ascertaining the juvenile services they offer. The Juvenile Intake Unit shall provide an annual listing of social agencies and organizations, detailing the services they offer, to the Operations Bureau.

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The Juvenile Intake Unit shall be responsible for handling a variety of functions related to juvenile well being as well as juvenile crime. These functions shall include, but not be limited to, the following:

(a) assisting in the design and implementation of school programs intended to prevent and control delinquency, by making juveniles more aware of the consequences of their actions;

(b) serving as counsel and advisors to the other members of the department on matters pertaining to juveniles and minors;

(c) assisting Child Protection Services as required.

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Workplace Discriminatory Harassment/Retaliation

PR328.1 PROCEDURE

It is essential that the Department maintain a healthy working environment which will provide all employees the opportunity to perform their duties to their fullest potential. The working environment must be free of sexual harassment to assure fair and courteous treatment of all employees. Sexual harassment is a violation of Federal and State law and of City and Department policy. It exposes the City, the Police Department, and the offending employee to serious liability and can lower morale, undermine the integrity of employee relationships, and interfere with the efficiency of Department operations. Sexual harassment is viewed by the Department as serious misconduct which can result in the offending employee being subject to disciplinary action up to and including termination. The Department will not tolerate sexual harassment.

PR328.2 DEFINITION

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offense working environment.

Complainant - any person, including an NOPD officer or employee, who makes a complaint against NOPD or an officer or employee of NOPD.

PR328.3 328.3 GENERAL INFORMATION

Incidents of sexual harassment can involve members of the same gender as well as members of opposite gender. The harasser may be male or female.

PR328.3.1 TYPES OF SEXUAL HARASSMENT

The following are types of sexual harassment:

(a) **Quid Pro Quo (this for that):** This type of harassment exists when a member in management or supervisor states or implies that an employee must consent to unwelcome sexual advances in exchange for some economic benefit such as promotions, merits, job offers, job retention, etc. Also, quid pro quo sexual harassment occurs when rejection of sexual advances would result in adverse decisions affecting an employee's job status, (i.e. demotion, termination, denial of employment, etc.) NOTE: FTO's may be considered "of supervisory capacity" due to their status and control over the recruit.

(b) **Hostile Work Environment:** Anyone in the work place can commit this type of harassment. A hostile work environment exists where sexual harassment is so

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severe or pervasive that it creates an intimidating, offensive work place and alters the conditions of employment.

PR328.3.2 INAPPROPRIATE CONDUCT

Inappropriate conduct which may contribute to sexual harassment includes, but is not limited to, the following:

(a) touching another person's body in a manner which the harasser knows or should know the other person will regard as offensive (e.g. unwelcome neck massages, rubbing another person's hands or arms);

(b) touching another person's breasts, buttocks, or genitals in a manner which the harasser knows or should know the other person regards offensive;

(c) exposing or touching one's self in a manner which the harasser knows or should know the other person will regard as offensive;

(d) threatening retaliation for reporting sexual harassment;

(e) displaying sexually oriented or suggestive photos, videos, magazines, posters, drawings, and literature which the harasser knows or should know the other person will regard as offensive;

(f) alluding to another person's or one's own anatomy and/or genitals in a manner which the harasser knows or should know the other person will regard as offensive;

(g) telling sexually oriented jokes or making references or inquiries into someone's sexual preferences; and/or

(h) alluding to another person's or one's own mode of dress in a sexually oriented or suggestive manner which the harasser knows or should know the other person will regard as offensive.

PR328.4 INSTRUCTIONS

The employer is responsible for taking the initiative in preventing sexual harassment in the workplace. Therefore, all employees shall:

(a) conduct themselves in a professional manner and maintain a professional attitude;

(b) avoid any type of act or discussion that the employee knows or should know others will regard as offensive;

(c) cease immediately any behavior or discussion if told that such conduct is offensive.

Employees who wish to complain about sexual harassment shall:

(a) respond immediately to alleged inappropriate behavior in writing, communicating to the accused that such conduct is unwelcome;

(b) advise the accused that all incidents will be reported to a supervisor;

(c) document the nature of the alleged inappropriate behavior, the presence of witnesses, the time, place, and date the incident occurred; and

(d) if the accused persists after being told to stop or in the event of a serious incident of inappropriate behavior, the complaining employee shall submit a written notification to the first level of supervision not involved in the alleged inappropriate behavior:

1. If the accused is of the same or equal rank as the complaining employee, the alleged inappropriate behavior should be reported immediately to the complaining employee's supervisor.

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2. If the complaining employee's supervisor is the accused, the complaining employee may contact the next supervisor in the chain of command or the commander of the Public Integrity Bureau.
3. Employees may contact a supervisor of the same gender to initiate a complaint.
4. The complaint shall be kept confidential.

If the complaining employee is not satisfied with the attempted resolution within the chain of command, the complaining employee may utilize the C.A.O.'s Employee Grievance Procedure for Discrimination Complaints.

PR328.5 COMMANDERS AND SUPERVISORS RESPONSIBILITIES

All written and verbal allegations of inappropriate behavior shall be taken seriously and dealt with in a prompt and effective manner. All complaints of alleged inappropriate behavior shall be documented in writing and forwarded to the Public Integrity Bureau.

(a) Commanders shall take the initiative in preventing sexual harassment in the work place by setting good examples, demonstrating courteous and professional behavior at all times, and actively monitoring the work environment.

(b) Commanders and supervisors shall ensure that employees do not suffer reprisal or retaliatory actions for presenting allegations of inappropriate behavior.

(c) Commanders and supervisors shall take prompt and reasonable steps to eliminate inappropriate behavior when it comes to their attention. If the complaint can be resolved without a formal investigation, supervisors shall thoroughly document in writing and forward to the Public Integrity Bureau.

(d) Complaints concerning inappropriate behavior may be handled informally with the sexual Harassment Report form or by using the regular disciplinary process through the Public Integrity Bureau.

(e) Commanders shall ensure that a copy of the E.E.O.C. Poster describing the Equal Employment Opportunity Law is prominently displayed in the work place.

(f) Supervisors are not authorized to advise employees about their legal remedies as provided by Federal and/or State agencies.

PR328.6 RESPONSIBILITIES OF THE PUBLIC INTEGRITY BUREAU (PIB)

The Public Integrity Bureau shall maintain files on all complaints of sexual harassment. All reports made on a DI-1 or DI-3 form will be maintained in accordance with P.I.B. policy for maintaining such documents. Any informal complaint documented on a Sexual Harassment report form will be maintained in a separate file and will not be considered as part of the employee's official P.I.B. file. The informal complaints will be reviewed whenever a complaint of inappropriate behavior is made. All files concerning complaints of inappropriate behavior shall be kept in such a manner as to allow the files to be accessed by the name of the accused and the name of the complaining employee. Access to the files shall be restricted to supervisory individuals conducting pertinent police business.

Failure of a commander or supervisor to take corrective action on a complaint of inappropriate behavior shall be reported to the Commander of the Public Integrity Bureau.

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Child Abuse Reporting

PR330.1 PURPOSE AND SCOPE

The Child Abuse Unit is a specialized investigative unit charged with the responsibility of conducting complete investigations of alleged physical abuse, physical neglect, sexual abuse, and exploitation of children under the age of 18 years old, which may include, but is not limited to the following: child pornography, child prostitution, obscenity, trafficking, and international parental kidnapping.

PR330.2 OFFICER RESPONDING TO REPORT CHILD ABUSE

Officers responding to a suspected child abuse call shall do the following:

(a) Officers shall interview the reporting person to determine if a criminal violation has been committed. If the reporting person is the victim, the officer **shall limit their** interview with the victim to obtain enough information to determine that a crime has occurred.

(b) If child abuse is suspected, the officer must notify his/her supervisor before requesting a child abuse unit. The supervisor will determine if the Child Abuse Unit is to be notified.

(c) The officer must contact command desk to request a child abuse unit.

PR330.3 RECLASSIFYING A CALL

Only a supervisor may change the signal of a call of suspected child abuse after speaking with a child abuse supervisor or detective. The supervisor will notify Command Desk via NOPD radio of a signal change before his/her ETOD. A call for service SHALL NOT be marked up without officers notifying a supervisor.

PR330.4 TRANSPORTING AN ARRESTED SUBJECT

If a child abuse detective has probable cause to believe an individual committed criminal violation(s) of local, state, or federal laws, the officer may transport the individual to the Child Abuse office for the purpose of processing and/or debriefing the subject.

PR330.5 SECURING THE SCENE

Responding officers shall: Make initial contact with the occupants and gain entry into the premises.

- Separate the parties. Separate occupants and witnesses from the victim and accused, keeping them out of sight and hearing range of one another, as safety permits.
- Restrain the suspect, if necessary, and/or remove the suspect.
- Assess for injuries and request medical services as necessary. Determine the whereabouts and identities of all people on the premises, including children.
- Identify and secure weapons that might pose a threat during the investigation or that might be potential evidence.

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PR330.6 REPORTS

Officers responding to a case of suspected child abuse shall not write an incident report once the child abuse detectives has determined that an investigation is warranted. The child abuse detective will complete an incident and supplement report on the incident.

The EPR system shall not be used to document a child abuse case.

PR330.7 PROTECTIVE CUSTODY

Officer responding to incidents involving protective custody shall immediately notify the child abuse unit. Once the detective determines that a protective custody is warranted, the detective will notify the Department of Family Service. The officer must complete a face sheet in the EPR system with the signal 21 Protective Custody. The officer will transport the individual to the Juvenile Bureau.

PR330.8 ACTIVATION CRITERIA - AMBER ALERT

There are three elements for activation of the Amber Alert:

(a) the missing child must be 17 years of age or younger; and

(b) there is a supported reason to believe the child is in imminent danger; and/or

(c) there is a supported reason to believe that criminal activity is suspected in the disappearance.

PR330.8.1 INSTRUCTIONS FOR AMBER ALERT

District personnel shall be dispatched to conduct investigations of missing children.

While investigating a possible missing child, district personnel shall consider the following elements as a possible Amber Alert case:

(a) The supported threat of imminent harm or death to the missing child;

(b) The age of the child (seventeen years or younger);

(c) Time of initial report or police response vs. time of the disappearance;

(d) Reliable witness information;

(e) Possible domestic or parental dispute involving the child; and

(f) Other facts that indicate the child was abducted or is in danger of serious injury or death (e.g., witnessed kidnapping, witnessed abuse, or violence toward child)

If the criteria for an Amber Alert is met, district personnels hall notify the Child Abuse Unit or the Command Desk requesting a Child Abuse detective contact the investigating officer either by telephone or radio. The investigating officer shall supply the Child Abuse detective with all pertinent information substantiating the need for an Amber Alert. If the Child Abuse detective concurs that the criteria for an Amber Alert is met, he/she shall:

(a) immediately notify the Sex Crimes Commander, who will in turn authorize an Amber Alert;

(b) notify the Office of News Media Relations/Public Affairs that an alert has been authorized, requesting he/she respond to the scene;

(c) contact the Command Desk supervisor, supplying all information for the Amber Alert system initial reporting form; and

(d) respond to the scene to take command of the investigation.

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The Child Abuse detective shall complete an Amber Alert System initial reporting form (Form 54), also referred to as a "script". A copy of the report form will be forwarded to Communication Services prior to the Child Abuse detective completing his/her tour of duty.

(a) Where time is of the essence, the Child Abuse detective may contact Command Desk personnel by telephone or radio, supplying the information on Form 54 (Amber Alert Reporting Form).

(b) Command Desk personnel shall use the supplied information to initiate the alert.

The equipment which broadcasts an Emergency Alert System (EAS) signal shall be maintained on the Command Desk. The Office of News Media Relations/Public Affairs shall have primary responsibility for sending the message. However, when time is of a critical nature, the Office of News Media Relations/Public Affairs may authorize the use of Command Desk personnel to send the alert.

It shall be the responsibility of the individual sending the alert to broadcast alert tones, followed by a verbal notification of the abduction information over the City News channel & the radio system. All Television news stations currently monitor the channel, as does WWL Radio (the EAS Alert station for this area). This will alert all stations to be on the lookout for the information that will follow.

Upon receipt from the Child Abuse detective, the person who sends the EAS signal shall complete the bottom portion of the Amber Alert system initial reporting form, and shall return the original form to the Child Abuse detective for inclusion in the case file.

The Office of News Media Relations/Public Affairs shall e-mail the text of the script to the media which are on the established Amber Alert e-mail list, including any additional information and photographs of the missing child, if available.

Upon receipt of verification the child has been located, the commander of the Sex Crimes Section shall, at his discretion, instruct the Command Desk, the Office of News Media Relations/Public Affairs or a Child Abuse detective to issue an "end of alert" message to the media via the established Amber Alert e-mail list. The Office of News Media Relations/Public Affairs shall notify all media outlets via the City News Channel.

Within five working days of an Amber Alert, the Commander of the Office of News Media Relations/Public Affairs shall request a meeting with the Sex Crimes Commander, the Communications Services Commander, and representatives from the media to evaluate the operation of the Amber Alert, with the goal of improving future Amber Alerts.

The Communications Services, in conjunction with the Greater New Orleans Broadcast Assoc. shall conduct mock amber alerts quarterly.

PR330.8.2 NCIC INFORMATION BULLETINS

Investigating officers shall consider the use of an NCIC information bulletin to notify other jurisdictions outside Louisiana of the missing individual in cases where a child may have been abducted. All possible information shall be included in the bulletin including but not limited to the following:

(a) physical description of the child, including clothing worn at the time abducted;

(b) physical description of the individual suspected of the abduction, including a clothing description;

(c) all information as to the description of the vehicle used;

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(d) descriptions of accomplices;

(e) direction of flight; and

(f) the time of the offense.

Investigators will decide if the message should be regional or if various states should be included in the notification. Investigators shall use Form 54 (Amber Alert Report form) when sending NCIC information bulletins.

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Victim and Witness Assistance

PR336.1 VICTIM AND WITNESS ASSISTANCE

The Victim/Witness Assistance Unit is under the supervision of the Commander of the Bureau of Investigations.

The Victim/Witness Assistance Unit Coordinator is required to maintain up to date information about the program.

PR336.2 DISTRICT LEVEL RESPONSIBILITIES

During an initial investigation, the reporting officer shall ensure the victim has received the necessary medical attention and issue to a Victim/Witness a copy of the brochure entitled "Rights of Crime Victims", along with a completed NOPD item number slip. (Form #26)

(a) Officers shall verbally advise the victim/witness of the following:

1. As a victim/witness, you may be contacted by a representative of the NOPD or Orleans Parish District Attorney's Office about this matter.
2. If anyone contacts you to discuss this matter, it is your right to request and obtain the full identity and employer of anyone for your own safety.
3. All New Orleans Police and D.A. personnel have clearly marked identification as either "New Orleans Police Department" or "Orleans Parish District Attorney's Office".
4. Examine any ID's, Badges, or other documents carefully.
5. If there is any doubt, please call the NOPD or the D.A.'s Office to verify anyone's identity.
6. VINE ® information (Victim Information and Notification Everyday), including the telephone number (866-528-6742) and advising the victim the service is free in order to allow victims to check on an offender's custody status and to register for notification when a person is released from jail.
7. Advising victims they can conduct an inmate query via www.opcso.org.
8. Advising domestic violence victims of his/her right to initiate criminal or civil proceedings with the assistance of the Domestic Violence and Family Justice Center. (See Policy 320)

Officers are also responsible for investigating allegations of witness intimidation and take enforcement action when lawful and reasonable.

PR336.3 COMMUNICATIONS DIVISION RESPONSIBILITIES

The Commander of the Communications Section will maintain all Victim/Witness Assistance Unit information numbers available for the public and police officers on a 24-hour basis. The information shall include:

(a) A general overview of the Department's Victim/Witness Assistance Unit.

(b) A Victim/Witness in need of medical attention, counseling, or emergency financial assistance, shall be issued referral information. Referral information includes services available throughout the Metropolitan New Orleans area

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(c) The NOPD Victim/Witness Assistance Unit Coordinator is responsible for distributing current referral information to the Communications Services.

PR336.4 EDUCATION AND TRAINING RESPONSIBILITIES

The Commander of the Education and Training Division shall prepare a recruit and in-service training plan for all members who routinely interact with victims/witnesses.

PR336.5 INVESTIGATION LEVEL

- Ensure the Louisiana Victim Notice & Registration Form is complete
- Ensure the victim has the item number and investigating detective name.

PR336.6 SUPPORT LEVEL - VICTIM/WITNESS ASSISTANCE UNIT COORDINATOR

The Victim/Witness Assistance Unit Coordinator is authorized to and responsible for:

(a) assessing the department's role in victim/witness assistance by remaining updated on the laws and ensuring the department remains in compliance

(b) acting as a liaison with other criminal justice agencies, governmental and non-governmental agencies, and organizations who promote victims/witnesses rights

(c) assist with language barriers, hearing impaired, disabled or other special need by using the department resources or resources from outside agencies.

(d) developing a comprehensive Victims/Witness Assistance Unit training manual for distribution throughout the Department

(e) ensuring the department is supplied with the appropriate forms.

PR336.7 LOUISIANA VICTIM NOTICE AND REGISTRATION FORM

Individuals who are victims of the below listed crimes are eligible for registration under the above two listed statutes:

- First Degree Murder
- Second Degree Murder
- Manslaughter
- Solicitation for Murder
- Aggravated Battery
- Second Degree Battery
- Aggravated Assault
- Aggravated Rape
- Forcible Rape
- Simple Rape
- Sexual Battery
- Oral Sexual Battery
- Intentional Exposure to AIDS Virus
- Incest
- Crime Against Nature
- Felony Carnal Knowledge/Juvenile

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- Indecent Behavior w/Juvenile
- Mingling Harmful Substances
- Aggravated Kidnapping
- Second Degree Kidnapping
- Simple Kidnapping
- Aggravated Burglary
- Aggravated Criminal Damage to Property
- Armed Robbery
- 1st Degree Robbery
- Simple Robbery
- Purse Snatching
- Crime Against Nature
- Stalking
- Vehicular Negligent Injury
- 1st Degree Vehicle Negligent Injury

Any offense against the person as defined in the Criminal Code committed against a family or household member as defined in La. R.S. 46:2132 (4) or dating partner as defined in La. R.S. 46:2151 (B).

PR336.7.1 INSTRUCTIONS

Officer investigating one or more of the above listed crimes shall inform the victim/witness of their rights under the above two revised statutes, providing them with the quintuple page "Louisiana Victim Notice and Registration Form".

The Louisiana Victim Notice and Registration Form is completed only when:

(a) A physical arrest is made

(b) A warrant is issued

(c) The subject is known and the arrest or warrant is pending additional information

The form consists of five copies labeled as follows:

(a) Gold Copy-Clerk of Court Copy

(b) Yellow Copy-District Attorney Copy

(c) Green Copy-Arresting Agency/Victim Services Copy

(d) Pink Copy-Jail/Detention Center Copy

(e) Blue Copy-Victim's Copy

The form shall be completed on-scene when an arrest or warrant is imminent. The on-scene officer shall complete Sections A and B of the **Louisiana Victim Notice and Registration Form** (quintuple form).

(a) Section B, the victim (or designee), shall INITIAL either the statement "I acknowledge receipt of this form" OR "I decline to register for notification at this time".

(b) The victim (or designee) shall sign and date the form.

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(c) The blue copy shall be given to the victim in all instances.

(d) Ensure **all** copies are legible.

The officer shall submit the remainder of the form (gold, yellow, green copies, and the pink copy when applicable) to his/her supervisor with the completed report. The supervisor shall submit the remainder of the form as outlined below. **THE FORM SHALL NOT BECOME A PART OF THE ORIGINAL REPORT.**

The green copy (Victim Services Copy) shall be delivered to the Victim/Witness Assistance Unit within twenty-four (24) hours via department mail or by hand delivery. This copy must be legible.

A photocopy of the completed form shall be kept in the District/Unit files.

If an arrest is made during the initial investigation, the arresting officer shall deliver the **pink copy** of the original form (labeled Jail Copy) to Central Lock-Up along with the arrestee. The **gold and yellow copies** (Clerk of Court and District Attorney's copies) shall be submitted to the District Attorney's Office, along with other pertinent documentation, from the A-Case Officer of each district/unit. The **green copy** will be forwarded to the Victim/Witness Services Unit.

In instances where an arrest warrant is generated, the **pink copy** (Jail Copy) will be filed with NCIC until such time an arrest is made. At the time of arrest, that copy will be forwarded to Central Lockup. The **gold and yellow copies** (Clerk of Court and District Attorney's copies) will be held by DIU/A-Case until such time an arrest is made and the entire documentation is forwarded to the District Attorney's Office. The **green copy** will be forwarded to the Victim/Witness Services Unit.

In instances where there is a known subject but with no arrest warrant on file, the **pink, gold and yellow copies** will be held by the Investigating Detective/DIU Unit until such time an arrest is made. The copies will be forwarded as stated above. The **green copy** will be forwarded to the Victim/Witness Assistance Unit.

In instances where there is no known subject, the victim will only be provided with the Victim Assistance Brochure. During any subsequent investigation, should a perpetrator be identified and/or arrested, the follow-up investigator shall complete the Louisiana Victim Notice and Registration form, forwarding the **green copy** to the Victim/Witness Assistance Unit.

Should the victim/witness be incapacitated during the initial investigation where there is a known subject or a subject was placed under arrest, the officer handling the investigation shall complete the form as above, leaving the victim/witness's copy with the hospital.

PR336.8 T-VISA / U-VISA FORMS

Victim /Witness Assistance Unit Coordinator is responsible for :

(a) Ensuring the T-Visa/U-Visa forms are complete and accurate

(b) Compiling a resource list of services with other agencies who provide services specifically for immigrant victims

The following information establishes instructions and protocol for assisting nonimmigrant victims/witness of crime by completing the T-Visa (Federal Form I-914, Supplemental B) and U-Visa (Federal Form I-918, Supplemental B) forms.

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PR336.8.1 DEFINITIONS

The United States Citizenship and Immigration Service (USCIS) may issue temporary non immigrant status to immigrant crime victims for a period of four (4) years. As a part of the application process, law enforcement agencies are required to verify that the immigrant was a victim of one or more of the qualifying crimes.

(a) **T Nonimmigrant Status (T-Visa)** T nonimmigrant status provides immigration protection to victims. The T Visa allows victims to remain in the United States and assists law enforcement authorities in the investigation or prosecution of human trafficking cases.

(b) **U Nonimmigrant Status (U-Visa)** U nonimmigrant status provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of qualifying crime. The U visa allows victims to remain in the United States and assist law enforcement authorities in the investigation or prosecution of criminal activity.

PR336.8.2 GENERAL INFORMATION

Through the Violence Against Women Act of 2000, the T-Visa (T Non-immigrant declaration) and U-Visa (U Non-immigrant classification) was enacted for victims of domestic violence, sexual assault, human trafficking and other criminal offenses. This act was designed to provide victims/ witnesses with critical immigration protection while strengthening the ability of law enforcement agencies to detect, investigate and prosecute cases, in keeping with the humanitarian interests of the United States of America.

In cases where an arrest is made, it is the responsibility of the Orleans Parish District Attorney's Office to complete the Federal Form T-Visa declaration or Federal Form U-Visa certification forms. It is the responsibility of the New Orleans Police Department to complete T-Visa or U-Visa forms in cases where no arrest is made or a warrant issued.

PR336.8.3 INSTRUCTIONS

The New Orleans Police Department will consider the issuance of a certification or declaration to individuals and their family members who are willing to cooperate with the investigation or prosecution of the crime and who meet the below listed eligibility requirements.

(a) The individual must have been a victim of a qualifying criminal act (see crimes listed below)

(b) The individual must have suffered substantial physical or mental abuse as a result of being a victim of one or more of the qualifying criminal acts;

(c) The individual must possess specific, credible and reliable information about the qualifying criminal act (beyond the initial information provided);

(d) The individual must have been helpful, is being or will likely be helpful in the investigation and prosecution

(e) The individual can identify the perpetrator.

Individuals who are victims/witnesses of the below listed crimes are eligible to obtain a certification or declaration:

- Abduction
- Abusive Sexual Contact

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- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Felonious Assault
- Female Genital Mutilation
- Hostage
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Torture
- Trafficking
- Unlawful Criminal Restraint
- Witness Tampering
- Any Other Sexual Offenses

During an initial investigation of the qualifying crimes involving an immigrant victim or witness, the reporting officer shall provide the victim with the brochure entitled "Assistance for Victims of Crime", including on the brochure the item number. '

Upon the request of the individual, the case will be reviewed by the Victim / Witness Assistance Unit personnel, in order, to determine eligibility. After an individual is determined to be ELIGIBLE, T-Visa (Federal Form I-914 Supplemental B) shall be completed for Trafficking victims or U-Visa (Federal Form I-918 Supplemental B) shall be completed for victims of the other qualifying crimes. The forms should then be forwarded to the Deputy Superintendent of ISB or his/her designee.

(a) The Deputy Superintendent of ISB or designee will sign the certification or declaration after all eligibility requirements are met.

(b) The New Orleans Police Department reserves the right to withdraw a certification if the petitioner proves to be uncooperative or unable to provide additional information about the qualifying crime. The certification can revoked by immediately submitting a written statement to the U.S. Citizenship and Immigration Service (USCIS) at the following address: **U.S. CITIZEN AND IMMIGRATION SERVICES, VERMONT SERVICES CENTER-U-VISA UNIT, 75 LOWER WELDON STREET, ST. ALBANS, VERMONT.**

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(c) The Commander of the Communications Section will maintain resource phone numbers on services for immigrant victims and have them available for the public and police officers on a 24-hour basis. The information shall include:

1. A general overview of the service provided to immigrant victims
2. Contact phone numbers for victims in need of medical attention, counseling and other services available in the Metropolitan New Orleans Area
3. Contact phone numbers for the Victim / Witness Assistance Unit.

(d) The NOPD Victim/Witness Assistance Unit Coordinator is responsible for providing current information to the Communications Section.

(e) The Commander of the Education and Training Division shall prepare a recruit and in-service training plan for all members who will encounter an immigrant victim.

(f) An adequate supply of Federal Form I-914 Supplemental B (T-Visa) and Federal Form I-918 Supplemental B (U-Visa), along with instructions shall be maintained by the Victim/Witness Assistance Unit personnel.

PR336.9 EMERGENCY NOTIFICATIONS

In the case of deaths, the Coroner's Office will notify the next of kin. In the case of injury, the treating medical facility will notify the next of kin. On occasion, an Officer is assigned to notify the next of kin of a death or serious injury. The officer shall make the notification in a polite, courteous, and considerate manner. If possible, the police chaplain shall be called to assist. Notifications of the families of police personnel are detailed in Chapter 55.

PR336.10 RECORDS AND IDENTIFICATION DIVISION

The Initial Incident Reports can only be given to the parents or Next of Kin (Kin) of the deceased victim of a homicide. A valid Identification Card is required.

Records involving Rapes and Juveniles are considered SECURE files and are stamped "SF" and are NOT to be released.

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Report Preparation

PR344.1 GENERAL

The Communications Division, utilizing the current computer system, shall create a report or record of every incident alleged to have occurred in the New Orleans Police Department service area under the following circumstances:

(a) Citizen reports of crime;

(b) Citizen complaints;

(c) Incidents resulting in an employee being dispatched or assigned;

(d) Criminal and noncriminal cases initiated by department employees; and

(e) Incidents involving arrests, or summonses.

An incident report will be made whenever directed by a supervisory officer.

PR344.2 UCR CRIME REPORTING

The UCR Program collects data about Part I offenses in order to measure the level and scope of crime occurring throughout the Nation. The Uniform Crime Reporting (UCR) Program divides offenses into two groups, Part I and Part II crimes.

(www2.fbi.gov/ucr/handbook/ucrhandbook04.pdf)

PR344.2.1 PART I OFFENSES

Part I offense classifications include:

- Criminal Homicide
- Forcible Rape
- Robbery
- Aggravated Assault
- Burglary
- Larceny-theft (except motor vehicle theft)
- Motor Vehicle Theft
- Arson

PR344.2.2 PART II OFFENSES

Part II offenses encompass all other reportable classifications outside those defined as Part I.

PR344.3 CRASH REPORTS

Officers must complete the state crash report form on all vehicular crashes which include violations of La. R.S. Title 14 statutes.

If a vehicular crash occurs on private property, a crash report should not be completed, unless it involves damage to city owned property, violations of La. R.S. Title 14 statutes, serious injury, or if required by a supervisor.

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If a vehicular crash occurs on public roadways, a crash report must be completed, with the following exceptions:

(a) If a vehicular crash occurs involving property damage less than $500.00, and no injuries, and all parties involved agree to settle the incident among themselves, a crash report is not required.

(b) If an order is issued by the Superintendent of Police which is contrary to this regulation, for example Mardi Gras, crash reports shall be completed in compliance with the order.

PR344.4 INSTRUCTIONS

Except as indicated below, incident reports shall be completed and submitted by reporting officers prior to ending their tour of duty. Whenever possible, reports shall be completed while the reporting officer is still assigned to the call, so accurate reporting times can be calculated. Failure or delay in submitting reports will result in disciplinary action against the employee, unless the delay is authorized. Supervisors shall ensure all reports are completed and reviewed in a timely manner. Failure or delay in reviewing reports will result in disciplinary action against the Supervisor.

PR344.4.1 AUTHORIZED DELAY IN COMPLETING REPORTS

Due to the variety of complaints and unique circumstances which are involved in police work, some reports may require additional time to complete.

FOR EPR REPORTS: If additional time is needed to complete the report, the officer shall complete an N.O.P.D. interoffice correspondence (Form 105) to his/her supervisor explaining the reason for the delay and the expected time of completion. The officer shall attach to the N.O.P.D. interoffice correspondence, a copy of the "DOCUMENTS" page.

FOR PAPER REPORTS (Excluding Traffic Crash Reports): If additional time is needed to complete the report, the officer shall complete an N.O.P.D. interoffice correspondence (Form 105) to his/her supervisor explaining the reason for the delay and the expected time of completion. The officer shall attach to the N.O.P.D. interoffice correspondence a copy of the Face Sheet.

It shall be the responsibility of the reporting officer's supervisor to determine when a delay is warranted and for how long by signing the Interoffice Correspondence. Delays of more than one tour of duty must be authorized by the officer's immediate supervisor and his/her District/Division Commander. Officers scheduled to be AWP or furlough shall be responsible for informing his/her supervisor.

PR344.4.2 PROCESSING INCIDENT/SUPPLEMENTAL REPORTS - PAPER REPORTS

All paper reports (green reports) shall be forwarded to the Record and Identification Division for processing utilizing the appropriate receipt form listed below:

(a) UCR Report Receipt (Form 250)

(b) Non-UCR Report Receipt (Form 251)

(c) Supplemental Report Receipt (Form 252)

Once a report is completed, the officer's supervisor shall be responsible for reviewing and approving/disapproving the report. Supervisors are responsible for reviewing the reports in a timely manner. (See 344.6, Supervisor's Responsibilities)

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(a) Receipts for offense reports will only include reports for one particular month. Offense reports from two different months must be placed on separate receipts.

(b) All supplemental reports will be listed on one receipt, regardless of the item number.

The original receipt plus one (1) copy will be forwarded with the reports. The original receipt shall be signed and dated by the individual from the Records and Identification Section accepting the reports. The signed receipt shall be returned to the individual delivering the reports. Signed receipts shall be maintained at the unit level for a period not less than one year.

PR344.4.3 PROCESSING INCIDENT/SUPPLEMENTAL REPORTS - EPR SYSTEM

Incident/Supplemental reports completed in the EPR system, upon supervisor's approval, are automatically obtained by the Records and Identification Division electronically. Incident/Supplemental reports completed in the EPR system do not need to be forwarded using the aforementioned forms.

PR344.4.4 AUTHORIZED DELAY FOR TRAFFIC CRASH REPORTS

All crash reports, excluding fatalities, must be received in the Records and Identification Division within four (4) days from the date of assignment. Supervisory personnel shall make certain all authorized delays for crash reports do not exceed this time limit.

PR344.4.5 PROCESSING OF TRAFFIC CRASH REPORTS - PAPER REPORTS

Upon approval by the officer's supervisor, the Vehicle Traffic Crash Reports are forwarded to the Records and Identification Division utilizing the following forms:

(a) Vehicle Traffic Crash Report Receipt , Form 253

(b) Supplemental Vehicle Traffic Crash Report Receipt , Form 254

Once a report is completed, the officer's supervisor shall be responsible for reviewing and approving/disapproving the report. Supervisors are responsible for reviewing the reports in a timely manner. (See 344.6, Supervisor's Responsibilities)

PR344.4.6 PROCESSING TRAFFIC CRASH REPORTS - EPR SYSTEM

Vehicle Traffic Crash Reports completed in the EPR system, upon supervisor's approval, are automatically obtained by the Records and Identification Division electronically. Vehicle Traffic Crash reports completed in the EPR system do not need to be forwarded using the aforementioned forms.

PR344.4.7 PROCESSING FATALITY INVESTIGATIONS

Fatality investigations shall be processed in accordance with the following:

(a) Investigating officers shall be responsible for submitting a copy of the face sheet of the fatality report with the following information:

1. date and time of the crash;
2. item number; and
3. the location where the fatality occurred.

(b) The copy of the face sheet shall be stamped "Fatality" and submitted with an interoffice correspondence (form 105) indicating the expected time of completion.

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The correspondence shall be approved and signed by supervisory personnel in accordance with the instructions listed above.

PR344.4.8 DELINQUENT REPORTS

The Records and Identification Division shall be responsible for distributing a list of all delinquent reports to the responsible Division and District Commanders. The listing of delinquent reports shall be distributed no less than every two weeks.

PR344.5 SUPERVISOR'S RESPONSIBILITIES

The Supervisor shall ensure all reports are completed and reviewed. It will be the responsibility of the officer's supervisor to approve reports in a timely manner.

PR344.6 DISTRICT/DIVISION COMMANDER RESPONSIBILITIES

District and Division Commanders shall be responsible for administering an effective system ensuring that all reports are submitted in accordance with this regulation, and completed reports for which delays have been authorized are submitted by the date indicated on the authorization

PR344.7 REPORT REVIEW UNIT

The Report Review Unit Commander will be responsible for monitoring the written quality of reports throughout the Bureaus to meet the standards of this Department. The Commanders of each Bureau/Division/District shall include in his/her internal operation plan quality control procedures to ensure compliance. The Report Review Unit will review and evaluate incident reports submitted to the Records and Identification Section. Reports will be reviewed for:

- Accuracy
- Completeness
- Correct signal and classification
- Compliance with Policy 344/PR 344 - Report Preparation
- Compliance with the Louisiana Code of Criminal Procedure; Louisiana Code of Evidence; and Louisiana Criminal Statutes.

The originating officer's Commander and Bureau chief will be notified through NOPD form 36 about reports not meeting standards for appropriate action. The Commanding Officer shall respond in writing to the Commander of the Report Review Unit within five (5) working days detailing the corrective action taken. Bureau Chiefs will be copied on all intra agency correspondence.

The Report Review Unit Commander will maintain a database on the action(s) taken on reviewed reports. The database will contain the following:

- Item Number
- District, Zone and Sub zone
- Date of review
- Reporting officer's name and badge number
- Approving supervisor's name and badge number
- Deficiencies or violations

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- Action taken by commanding officer, etc.
- Date response sent to Report Review Section
- Reviewer's name and badge number

The Report Review Unit Commander will submit a quarterly evaluation report to the Superintendent of Police. A copy of the evaluation report will be sent to the commander of the Education and Training Division.

The Commander of the Education and Training Division shall use the evaluation reports to update the report writing training plan for recruits, and in-service training courses.

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Court Appearance and Subpoenas

PR348.1 MANDATORY TRIBUNAL APPEARANCE

If an employee is subpoenaed to appear in a tribunal outside of Orleans Parish, the employee shall notify his commanding officer in advance and if necessary complete the appropriate travel form(s). The travel forms are located in NOPD.org under "Travel Forms)

An employee who has overlapping appearances shall notify the Judge or Hearing Officer in each section, and request that he/she be allowed to coordinate the date and time of his/her appearance in each section.

If an employee is held in contempt for failing to obey a subpoena, and as a result is confined, and is unable to physically report for duty while he/she is confined, the employee's commander shall carry the employee LWOP (Leave Without Pay) and initiate an investigation.

PR348.2 COURT APPEARANCE ATTIRE

An employee attending a tribunal as a result of his/her employment with the NOPD shall be attired in either Class A or B uniform, or a coat and tie for male employees and a business suit or dress suit for a female employee. An exception will be made, only in the case of exigent circumstances, and with the permission of the hearing officer or the presiding Judge.

PR348.3 JUVENILE COURT POLICY

While processing a felony juvenile arrest, an employee acknowledges his/her mandatory Detention Hearing appearance when signing the Detention Hearing Book located in the Juvenile Section office. The employee shall document the date and time of the detention hearing on the face sheet of the incident report. The employee's signature shall serve as the official notification in lieu of an issued subpoena.

PR348.4 ADMINISTRATIVE SUBPOENA

An employee appearing in compliance with an administrative subpoena while off duty, AWP or any other form of paid leave, is compensated in the same manner as a court appearance.

The below listed employees and/or boards or committees are authorized to issue Departmental Administrative Subpoenas:

- Superintendent of Police, or his/her designee
- Assistant Superintendent(s) of Police
- Office of Inspector General
- Chairman of any Departmental Disciplinary/Administrative Board upon the approval of the Superintendent
- Civil Service
- City Council.

PR348.5 ELECTRONIC SUBPOENAS

The Courts are issuing subpoenas via the "Court Notify" and city e-mail notification systems. The Commander of the Education and Training Division shall prepare a lesson plan for

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training personnel about the Electronic Subpoena Systems. This training will be included in the recruit and in-service training programs. Every department member is responsible for checking his/her departmental e-mail account via "Microsoft Outlook" or internet address mail.nola.gov at least once during his/her tour of duty. E-mail accounts can be accessed from any computer with an internet connection including a Mobile Data Terminal.

Every department member is responsible for checking his/her "Court Notify" account via the NOPD applications icon or internet address www.nopd.net at least once during his/her tour of duty. The web address can be accessed by any computer with an internet connection including a Mobile Data Terminal.

A member shall check for his/her subpoenas from the "Court Notify" system once logged in. An e-mail is also sent to the member via department email. When an e-mail is received from "Court Notify," a member shall acknowledge receipt of the subpoena through the "Court Notify" system.

A Commander or his/her designee in each unit/division/bureau, shall make sure his/her subordinates formally acknowledge a subpoena issued via "Court Notify."

(a) If a department member fails to acknowledge a subpoena, notifications will Escalate and Continue to escalate until the subpoena is acknowledged, as follows:

1. 10 days prior to Court date, the immediate supervisor is notified
2. 9 days prior to Court date, the Platoon Lieutenant is notified
3. 7 days prior to Court date, the ICO or Division Commander is notified
4. 5 days prior to Court date, the Commander of the Office of Compliance or his/her designee is notified

After receiving an escalated subpoena, supervisory personnel shall notify the subpoenaed member in writing of the escalated subpoena and ensure the member acknowledges said subpoena via "Court Notify."

(a) A supervisor may acknowledge the subpoena for an employee when he/she knows the employee will be available to attend court.

(b) The supervisor who acknowledged a subpoena for an employee, shall notify the employee in writing within 72 hours of the acknowledgment.

(c) The supervisor shall also print the subpoena from the "Court Notify" system and give it to the employee.

PR348.5.1 EXCEPTIONS

If a supervisor is unable to contact a subpoenaed employee prior to the court date, the supervisor shall acknowledge the subpoena for the employee, with the option "Acknowledge with Exception" in the "Court Notify" system. The supervisor shall include a brief notation of the reason why an employee cannot be notified or attend. Additionally, the supervisor shall notify the Office of Compliance, via form 105, of the reason why the subpoena was refused and attach the Subpoena Refusal Form (Form 259).

If an employee cannot appear on the court date after the subpoena was acknowledged, but prior to the day of court (i.e. sick/illness, injury, death in family), the subpoenaed member shall immediately notify the Office of Compliance. The Office of Compliance is responsible for notifying the judge and the District Attorney's Office about the employee's inability to appear in court.

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An employee who cannot appear on the court date because an emergency incident occurred on the date of the appearance, the subpoenaed member shall contact the appropriate judge in that section of court and request to be excused from appearance. The subpoenaed member shall immediately notify the Office of Compliance and provide the name of the person contacted, the court section(s) and the date/time the notification was made.

PR348.6 SUBPOENA PROCESSING (NOT RECEIVED BY COURT NOTIFY)

The Office of Compliance's shall:

(a) receive all delivered subpoenas not entered into Court Notify for the New Orleans Police Department from Criminal District Court and Juvenile Court process servers.

(b) receive document, and distribute all subpoenas from a centralized location, as designated by the Commander of the Office of Compliance.

(c) distribute within twenty-four (24) hours or the next business day all subpoenas received to the District/Unit/Section.

All refused subpoenas shall be returned to the Office of Compliance no later than 10:00 a.m. on the third day of receiving the subpoena(s). Refused subpoenas shall require a refusal (Form 278) to the subpoena from the employee's supervisor to indicate a justifiable reason for the person subpoenaed not appearing for the court date.

Department members shall not contact court personnel and/or the District Attorney's Office relating to a refused subpoena.

The Office of Compliance shall be responsible for notifying court personnel and the District Attorney's Office relating to refusal of subpoenas.

The Office of Compliance shall be responsible for returning all refused subpoenas to the Clerk of Court's Office.

PR348.6.1 INSTRUCTIONS FOR LOGGING SUBPOENAS RECEIVED FROM THE OFFICE OF COMPLIANCE AND OTHER AGENCIES

Commanding Officers of each Unit, regardless of title classification, shall establish a log book, on a platoon by platoon basis where applicable, for the purpose of recording the receipt and issuance of subpoenas received for personnel under their supervision. The subpoena log book shall reflect the following information:

(a) Authorized employees who initially received the subpoena from the servers, and the date of receipt,

(b) Court section, and court case number,

(c) Trial date,

(d) Acknowledgment and receipt of subpoena by employee named in subpoena, and date received,

(e) Acknowledgment by a supervisor that the subpoena was served on the employee.

Employees designated to receive subpoena service shall sign for subpoenas as required and shall be responsible for listing the subpoenas in the unit register book.

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Upon receipt of subpoenas, the employee accepting same shall check the names of the individuals listed on the subpoenas to ensure subpoenas are not accepted for individuals not assigned to the location where service is attempted.

(a) If a subpoena is received for an individual not assigned to the unit being served, the individual accepting service will inform the server that the subpoenaed person is not assigned to the unit and supply the information where service can be made, if known.

(b) If service is made during normal business hours, and the assignment is not known by the individual accepting service, the receiving individual shall contact the Human Resource Management Division in an attempt to ascertain the correct assignment. This information shall be supplied to the server of the subpoena.

Unit commanders or employees designated to receive subpoenas shall screen subpoenas for employees of their Unit who are furlough, sick, or AWP. In those cases where the employee is not expected back to work prior to the date of trial, it shall be the unit commander's responsibility to attempt to notify the employee of the trial date by telephone.

When it becomes apparent that the designated employee will be unable to contact the subpoenaed employee prior to the court date, the subpoena shall be returned to the court, or the Office of Compliance. Subpoenas returned due to extenuating circumstances shall contain a brief note explaining the reason for the return and if returned to the Office of Compliance have refusal form attached.

Subpoenas shall be distributed at unit roll call by a supervisor, at which time employees named in the subpoenas shall sign the subpoena register book acknowledging receipt.

Subpoenas for Civil District, Juvenile, City, and Federal Courts, Grand Jury, City Council, Civil Service Commission, and Courts outside of Orleans Parish shall be accepted and documented in the same log mentioned above.

PR348.7 OVERTIME

An employee is paid overtime for attending court on employment related cases in accordance with current payroll procedure An employee attending court during regular working hours shall not be paid overtime while on duty.

An employee attending court while furlough, sick, or any other form of paid leave, shall be carried working during the time he/she is physically in a tribunal.

Application for court overtime pay shall be documented on the Court Overtime Form (Form #34). If a member attends more than one section of court, and the times of appearance overlap, only one form 34 shall be completed. However, if there is a gap between the time of completion in one section of court, and the arrival time in another section of court, a separate Form 34 shall be completed.

Individuals attending Traffic Court, Municipal Court, Criminal District Court, or the Grand Jury, shall utilize the time clock located in the lobby of the appropriate court. The time clock shall be used to record both the time of arrival and departure from the above listed courts. Officer shall utilize Form 34, Court Overtime.

Individuals attending Juvenile Court, Civil District Court, Federal Court, Courts outside the jurisdiction of Orleans Parish, or City Council or Civil Service, shall have their subpoenas signed by a representative of the court indicating the time of arrival and departure from the court.

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Employees responding to the verbal orders of a judge or court officer shall obtain a subpoena from the appropriate authority, having him/her document both the time of arrival and departure from the court.

Completed Form 34's shall be turned in at the employee's place of assigned upon his/her next scheduled tour of duty. Employees are encouraged to turn in their subpoenas and the completed Form 34's on the date of court. Should the employee be AWP, furlough, sick, etc., and the employee is not scheduled to return to work prior to the end of the pay week, Saturday, the completed Form 34 and the subpoena must be turned in by the end of the pay week.

Individuals who are required to utilize the time clock documenting arrival and departure times shall be compensated from the time they "punch in" until the time they "punch out." Under no circumstances shall individuals "punch in" more than ten (10) minutes prior to the indicated arrival time on the subpoena.

Employees entering court time in the T.R.I.P. payroll system shall enter the times punched on the court slip for both the arrival and departure time. Employees entering the stamped times shall not enter a "time in" number which is more than ten minutes before the scheduled arrival time indicated on the subpoena. If the span of time between the time of arrival and departure is less than one hour, the employee will be compensated with one hour of court overtime.

Employees not required to use the time clock shall be compensated from the reporting time indicated on the subpoena, until the departure time noted by the proper representative.

Compensation shall be determined as per the provisions of the Fair Labor Standards Act and current departmental policy.

Employees are expressly prohibited from completing Form34 for other employees, from having time of departure certified on another employee's subpoena, and/or from using the time clock on Form 34 for other employees.

Employees are expressly prohibited from stamping in and out on multiple documents.

PR348.7.1 PERSONAL COURT APPEARANCE

Under no circumstances is an employee to request, or be compensated for a court appearance that is not directly employment related.

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Death Investigation

PR360.1 GENERAL INFORMATION

District patrol officers assigned to investigate any incident involving the death of a person shall make a preliminary observation to determine if the death was the result of natural or apparent natural causes, or if the death may have resulted from other than natural causes.

The Coroner's Office shall be notified in all death investigations. Notifications shall be made by telephone, except when impractical. In such impractical instances, notification may be made by the Command Desk supervisor.

District supervisory personnel shall be in charge of a death investigation where district officers are the primary investigators.

An incident report (EPR report) shall be completed in all death investigations. Completion of the report shall be the responsibility of the assigned district unit or the specialized unit assigned to investigate the incident.

PR360.2 NOTIFICATIONS

The Coroner's Office shall be furnished as many of the items of information as are available at the time of first notification:

(a) reporting officer's name, car number, and assignment;
(b) item number assigned to the incident;
(c) telephone number at the officer's location;
(d) name of the deceased;
(e) age and race of the deceased;
(f) address of the deceased;
(g) place and approximate time of death;
(h) cause of death;
(i) individuals present at the time of death;
(j) brief medical history of the deceased, if known, including medication taken; and
(k) details of the condition of the body and surrounding area.

With the exception of traffic fatalities, the Juvenile Intake / Child Abuse Section shall be notified in all instances of juvenile deaths. Notification shall be made by telephone, except when impractical.

PR360.3 CORONER'S OFFICE

Per La. R.S. 13:5717, the role of the medical examiner for the State of Louisiana includes:

(a) Retention of decedent's personal effects; moving or disturbing the body of a deceased person; prohibitions

a. The coroner shall take charge of the personal effects and property of the deceased at the scene of death. As soon as practicable all of the effects and property shall be turned over to the lawful owner after use in court when needed.

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b. The coroner shall collect any physical property or evidence found on the body which relates to the cause and manner of death or identity of the deceased. The coroner shall request law enforcement officials to collect any physical property or evidence connected with the cause of death or identity of the deceased which is found at the scene but not on the body. If law enforcement officials refuse to gather such evidence when requested by the coroner, the evidence may be collected by the coroner. The evidence or effects shall then be disposed of in accordance with law.

The Coroner's Office shall conduct autopsies and post mortem examinations in all cases of violent or undetermined death, or when ordered by the court.

The Coroner's Investigator will coordinate his/her activities at the scene with the supervisory officer in command.

Investigating officers shall supply all available information concerning the deceased and the circumstances of the death to the Coroner's Investigator.

Coroner's Office staff shall make the determination as to whether the body will be conveyed to the morgue, or released to the next of kin for burial.

The Coroner's Investigator or Assistant Coroner on the scene will search the body or remains and remove items which may be classified as personal effects. Generally, personal effects will be handled by the Coroner's Office. This will not include weapons, or other instruments or items classified as evidence or to be subjected to laboratory examination by the police department.

The investigating officer shall witness the search of the body and record an inventory of items removed. Jewelry and other items of personal adornment, either removed or left on the body, shall be itemized. These items shall be included in the incident report.

PR360.4 HOMICIDE SECTION

District Investigative Units will be responsible for investigating all suicide and unclassified deaths until it is deemed to be a probable homicide. A homicide detective will be required on all suicide and unclassified death investigations scenes.

The homicide detective will examine the scene, view potential evidence and speak with any potential witnesses to determine the disposition of the incident.

If the incident is deemed not to be a probable homicide, the homicide detective will consult with a homicide supervisor. The homicide supervisor will make the final determination.

The homicide detective shall assist the district investigators with the on-scene investigation of incidents determined not to be a probable homicide.

The district investigation unit report will be forwarded to the homicide section's Cold Case Squad for final review and endorsement.

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Identity Theft

PR362.1 GENERAL INFORMATION

Identity Theft has become more prevalent and often involves related crimes that can span across other jurisdictions and states and be done by mail, phone and internet, to name a few. Criminals are committing identity theft with more ease and free roam due to the abundance of information available whether by internet, mail theft or rogue employees of businesses supplying the suspects with confidential information of their clients. Identity Theft is not limited to a suspect establishing credit, obtaining services, or goods with the use of another's personal identifiers. It also includes the unauthorized use of another's existing credit card, debit card and/or checking and routing numbers for personal monetary or material gain. Though Identity Theft can be applied as a broader charge, it is usually best applied to a situation wherein the suspect has stolen and used or attempted to use the financial identity of another's solely to fraudulently establish credit and receive goods or services. (See also La. R.S.14:70.4 Access Device Fraud at http://legis.la.gov)

Officers and detectives alike should be educated in such crimes in order to better assist one another in bringing the investigation to a successful close and or prosecution.

More importantly the victims of Identity Theft need to be assured they are being helped by knowledgeable detectives and officers in the area of identity theft in order to guide them in the right direction to recover from damage to their credit and financial stability. Identity Theft can be a traumatic incident in a person's life because a successful Identity Thief can not only ruin a victim's good credit standing but also completely empty their bank account(s) and possibly steal their entire life savings. It is important that the first officer or detective on scene a victim meets has the knowledge and resources to communicate to the victim that this type of crime can be solved and that they can recover from the negative impact.

The use of one's identity by another during a criminal investigation, traffic or Terry stop whether the suspect is cited/arrested or not, is not considered Identity Theft under the current La. R.S. 14:67.16.

PR362.2 INFORMATION TO BE INCLUDED IN/WITH REPORT

When receiving a complaint of Identity Theft, the following shall be included in the report:

(a) Type of theft (i.e., credit card, bank account, store accounts, etc)

(b) All credit card numbers, account numbers, etc, known by the victim to have been opened fraudulently

Reporting officers shall also include any and all documentation the victim has regarding the theft.

PR362.3 NOTIFICATIONS

Officers handling an incident of Identity Theft shall notify:

(a) His/her supervisor

(b) The district's Property Crimes detective

(c) The White Collar Crimes Unit

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PR362.4 PROPERTY CRIMES DETECTIVE

To better serve the citizens and assist the district personnel more efficiently, the district's Property Crimes detectives shall:

(a) Respond to scenes when necessary to assist in evidence gathering, serving search warrants or interviewing witnesses or suspects.

(b) Assist with analysis of documents, checks, credit cards or other financial instruments to determine authenticity or status and how to apply charges if applicable.

(c) Obtain copies of reports and or documents for forwarding to other agencies if occurring outside of Orleans Parish.

PR362.5 WHITE COLLAR CRIMES

The White Collar Crimes Unit shall:

(a) Conduct follow up investigations into complaints that require more time and resources (subpoenas, search warrants, video evidence and/or federal involvement,) than the districts can afford.

(b) Work directly with State and Federal law enforcement to conduct multi-jurisdictional investigations into financial crimes.

(c) Keep abreast of new laws and ever changing trends in financial crimes.

(d) Prepare training material for recruit classes and be available to lecture at the Municipal Training Academy.

(e) Author original complaint and or arrest reports when Financial Institutions send external fraud investigation cases directly to the White Collar Crimes Unit.

(f) Serve as a liaison between federal agencies and the New Orleans Police Department in order to channel information and training opportunities to the department.

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Child and Dependent Adult Safety

PR380.1 ELDERLY

For elderly persons who are in need of assistance if the caregiver is unable due to arrest will have to be put in protective service.

The Elderly Protective Services (504) 835-3005 or 800-673-4673 are to be contacted by the Command Desk in an emergency situation with an elderly person who does not have "Capacity" an OPC can be obtained.

PR380.2 MENTAL DISORDERS

For persons who suffer from a mental disorder where the caregiver is unable due to arrest will have to be put in protective service.

A representative from Adult Protective Services will come out to scene, once contacted by the Command Desk. If there is mental retardation for placement

Metropolitan Human Services District (MHSD)

will need to be contacted at (504) 599-0245. (http://www.mhsdla.org/home/)

PR380.3 ADDITIONAL SERVICES FOR ASSISTANCE

Below are contact numbers for reference.

Info on Elderly Protective Services (State of LA):

Will be merging to Office of Aging & Adult Services

(800) 673-4673

http://goea.louisiana.gov/

Elderly Protective Services (Local)

320 Hammond Highway Suite 300

Metairie, Louisiana

504-835-3005

Adult Protective Services (APS)

(800) 898-4910 (24hrs)

www.prd.doa.louisiana

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Chapter 4 - Patrol Operations

Patrol Function

PR400.1 DEFINITIONS

Civil Protest/Demonstration - One or more person who overtly takes a public action to physically demonstrate his/her views concerning the support, contradiction or other statement of issue involving politics, government, law enforcement, etc.

Civil Disturbance - Any incident which disrupts a community where law enforcement intervention is required to maintain public safety. Civil disturbances may consist of riots, demonstrations, strikes, sit-ins, or mass acts of criminal damage or violence.

PR400.1.1 THREAT LEVEL

LOW LEVEL:

(a) The threat is vague and indirect;

(b) information within the threat is inconsistent, implausible or lacks detail;

(c) threat lacks realism;

(d) content suggests person is unlikely to carry it out.

MED LEVEL:

(a) Threat is more direct and more concrete than a law level threat;

(b) wording suggests threatener has given some thought to how the act will be carried out;

(c) general indication of a possible place and time (but not a detailed plan);

(d) Strong indication the threatener has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to that possibility.

HIGH LEVEL:

(a) Direct, specific and plausible;

(b) threat suggests concrete steps have been taken toward carrying it out.

PR400.1.2 TYPES OF THREAT

DIRECT THREAT:

- Identifies a specific act against a specific target and is delivered in a straightforward, clean and explicit manner.

INDIRECT THREAT:

- Has a tendency to be vague, unclear, or ambiguous.

VEILED THREAT:

- Strongly implies but does not explicitly threaten violence.

CONDITIONAL THREAT:

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- Warns that a violent act will happen unless certain demands or terms are met.

PR400.2 DISTRICT COVERAGE

The Deputy Superintendent of Police in command of the Field Operations Bureau shall also utilize those personnel under his command, designated as Support Units, to enhance city-wide coverage and assist district patrol units during days and times deemed appropriate by the Field Operations Bureau Commander.

(a) The New Orleans Police Department will divide the City of New Orleans into Eight Police Districts each commanded by a ranking officer not below the rank of Commander.

(b) Each Police District Commander will assign supervisory and patrol officers, in the form of platoons, to maintain twenty-four hour per day coverage to their area of responsibility.

(c) District Commanders will ensure sufficient patrol personnel and supervisors are assigned each day to adequately cover their area of responsibility (within manpower constraints).

1. Requests for vacation time off (furlough) should normally be submitted through the chain of command with enough advance notice to allow adequate scheduling of manpower.
2. Days off (A.W.P. days) will be scheduled to ensure sufficient manpower coverage each day (within manpower constraints).

(d) District Commanders will ensure each platoon begin their tour of duty with a formal roll call as specified and outlined in this Chapter

PR400.3 ROLL CALL

Roll Call will be discussed in depth in Policy/Procedure 404. For the purposes of this Procedure, Supervisors will be responsible for conducting Roll Call prior to the beginning of the tour of duty. During Roll Call, Supervisors will be responsible for distributing assignments, updating officers on relative information and instructing officers to complete the Daily Training Bulletins (DTBs). Supervisors will ensure the Information Clipboard is up-to-date.

PR400.4 INCIDENT REPORTS

Incident Reports will be completed as per Policy/Procedure 344, Report Preparation.

PR400.5 CROWDS, EVENTS AND GATHERINGS

Intelligence Section personnel will conduct an analysis of all known protest events in advance and will provide a written report titled "Threat Assessment". The assessment will be distributed to the Commander of the Intelligence Section, Deputy Superintendent of the Investigations and Support Bureau (ISB), Deputy Superintendent of the Field Operations Bureau, the affected District Commander(s) and the Special Operations Division Commander.

PR400.6 RESPONSE TO CIVIL DISTURBANCES

Intelligence Seton personnel will conduct an analysis of all known, planned civil disturbances in advance when possible and will provide a written "Threat Assessment" report.

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Discriminatory Policing, Racial Bias-Based Profiling, LBGT Community

PR402.1 MEMBER RESPONSIBILITY

Commissioned personnel will patrol in a proactive manner, and aggressively investigate suspicious persons and circumstances, enforcing all municipal, state, and federal laws. Citizens will only be stopped or detained when there exists reasonable suspicion or probable cause to believe the individual(s) have committed, are committing, or are about to commit, a violation of the law.

In the absence of a credible police report, relayed information from a police broadcast, articulable suspicion, or information from a credible outside source, an individual's race, gender, sexual orientation, or ethnicity or any combination thereof, shall not be a factor in determining probable cause for an arrest, the reasonable suspicion for a stop, or asset seizure and forfeiture efforts.

When conducting a stop, officers shall radio the dispatcher the location of the stop, and a description of the individual or vehicle being detained.

Individuals who have been detained will be detained no longer than is necessary to determine if a violation of the law has occurred.

If a violation has occurred, and the individual is not to be arrested, the citing officer shall complete the required citation, summons, affidavit, as quickly as possible and allow the individual to continue without unnecessary delay.

(a) Information pertaining to the individual's gender, race, and age shall be entered on all forms. If this information can be obtained from documentation on the individual's person, they will not be asked to provide it. If this information can be obtained from the individual's appearance, it will be entered without asking the individual to provide it.

(b) If the officer completing the required paperwork cannot determine the gender and/or race of the individual being detained, and the documentation submitted by the individual does not provide the necessary information, the officer may inquire as to the information needed to complete the required paperwork **in a professional manner**.

PR402.2 LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) INDIVIDUALS

All paperwork (i.e., report, citations, GIST, etc.) shall be completed using a subject's legal name. Any other preferred name shall be noted as "AKA" (also known as) on all documents.

The subject shall provide officers with their legal name. Officers shall not charge and/or arrest an individual for falsely identifying themselves when a subject advises the officer they wish to be referred to under a different pronoun and name from their legal name. At no time shall an officer question an individual who has had their name legally changed.

Domestic calls involving members of the LGBT Community shall be handled as per NOPD Domestic Violence Policy.

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Upon searching a transgender individual, officers shall request an officer of the preferred gender of the individual being searched. If no member is available, officers shall adhere to the guidelines of the Department's Search and Seizure policy.

When investigating, arresting or transporting a juvenile in a non-sexual assault case, the juvenile's actual or perceived gender identity, gender expression or sexual orientation shall not be discussed with the parents or guardians without the juvenile's consent.

PR402.2.1 ARREST PROTOCOL

All information the arresting officer obtains (including noun preference and preferred name) concerning the individual shall be passed on to the transporting officers and back-up or any officer who is interacting with the individual. Information about an individual's transgender status should be kept on a need-to-know basis to ensure the privacy and confidentiality of the individual is respected.

All prescription medications, including hormone pills, shall be turned over to Central Lock-Up when the subject is placed in their custody.

PR402.2.2 MEDICAL TREATMENT

Whenever a member of the LGBT Community expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any other illness or injury, including for injuries sustained during an arrest.

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Crime and Disaster Scene Integrity

PR406.1 COMMAND AT A MAJOR CRIME SCENE

The first responding officer(s) shall be in initial command of the major crime scene and responsible for the duties and responsibilities as described above. The command of the scene remains accountable to the first responding officer(s) until a higher ranking officer, or the assigned case detective(s), verbally communicates he/she is assuming command of the scene.

The first responding officer(s) shall have the authority to restrict unauthorized entry to the scene by other department personnel not participating, or necessary in the investigation.

On a major crime scene, the detective(s) assigned to the case investigation are in command of all aspects of the scene investigation. Upon arrival, he/she shall coordinate the placement and assignment of uniform officers necessary for the investigation with the district ranking officer.

The assigned case detective(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 major 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.

PR406.2 SUPPORT SERVICES NEEDED ON SCENE

Upon receipt of a complaint call classified as a "major crime", the Communications Services shall dispatch the appropriate number of field units. In all cases, a ranking officer in the district of occurrence shall be dispatched to the crime scene simultaneously.

In any incident where a responding officer(s), upon arrival, verifies an incident is a "major crime", he/she shall have responsibility to cause the following notifications immediately:

(a) The District Investigative Unit;

(b) The Scientific Criminal Investigations Section (S.C.I.S., Crime Scene Technicians);

(c) The Office of News Media Relations/Public Affairs - for dissemination and coordination of media personnel on the scene (if needed); and

(d) Any specialized unit required to be on the scene as per current procedure.

PR406.3 PRESERVATION AND PROTECTION OF PHYSICAL AND WITNESS EVIDENCE

The original responding officer(s) shall be responsible for safeguarding the crime scene and detaining any witnesses. The preservation of the crime scene area shall be coordinated through the use of crime scene banner tape, or other means accessible, to ensure the area of the crime is sealed. When feasible, the area being sealed should extend beyond the original crime scene no less than 350 feet. The crime scene shall be defined as the area which may contain physical and trace evidence. Such evidence may be readily visible, or made visible only through scientific collection methods.

(a) Officers shall "double-tape" a major crime scene. "Double taping" a major crime scene includes taping a larger section of the scene, then taping inside the larger section, a

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smaller section (secondary crime scene) of the scene. The smaller section of the scene shall include the body, evidence, etc.

(b) Access to the secondary crime scene will be strictly limited. Personnel from the Scientific Criminal Investigations Section (SCIS), homicide section and the medical examiner shall be the only personnel allowed in the secondary crime scene area.

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 technician is processing the crime scene.

(a) In all instances of Homicide scenes where the victim remains on the scene, the Homicide screens **shall be utilized**, as soon as practicable. It shall be incumbent upon each District Commander to implement a system where the Homicide screens are made readily available for use at all times.

Officers shall not handle evidence or enter the scene unnecessarily. Such tampering and entry may damage, alter, or destroy evidence. Any evidence which must be moved or relocated such as a firearm near a suspect shall have its recovery location documented for the investigative report. It shall not be later repositioned to the scene for photographic purposes.

If a victim is moved, such as when transported by Emergency Medical Services technicians, the first responding officer(s) shall be responsible for noting the position of the victim's body on the scene, and recording if anything was removed from the victim's clothing or person, until arrival of the assigned case detective.

Witnesses shall be separated whenever possible, to ensure accurate preservation of their individual witness 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. Because the case investigation shall be the responsibility of a detective, the in-depth detailed statements and interviews shall be performed and coordinated by the assigned detective.

The investigating officer or follow-up investigator will be responsible for the retrieval of any pellets, bullets, fragments or related evidence from the hospital, when it is made available by the medical facility. Investigators shall ensure all evidence recovered is placed on the property books at Central Evidence and Property in accordance with NOPD policies/procedures.

The investigating officer will make every effort to 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.

PR406.4 ATTENDING TO THE VICTIM(S)

In the event a victim of a major crime is transported to a hospital for treatment, an officer shall be assigned to accompany the victim 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. The ranking officer shall immediately assign an officer to accompany the emergency medical unit, or meet the victim upon arrival at the hospital, to conduct an interview as soon as

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possible. In the absence of available patrol personnel in the district of occurrence, the supervisor shall secure immediate assistance from another patrol district.

In cases where the victim(s) is uncommunicative because of medical reasons, the follow-up investigator from the District Investigative Unit (DIU) will be responsible for checking on the status of the victim(s) daily. Should the victim's condition improve to the state that they are capable of being interviewed, the assigned DIU investigator shall proceed to the victim's location and conduct an interview.

PR406.5 APPREHENSION OF THE OFFENDER(S)

If an apprehension of the criminal offender is effected, the arresting officer shall consider that the clothing worn by the suspect may contain physical or trace evidence, or may be needed for purposes of identification by witnesses.

The assigned case detective shall determine whether such clothing shall be confiscated. As soon as replacement clothing can be obtained from the Central Lock Up or hospital, the suspect's clothing may be removed as evidence at the Central Lock Up or hospital.

If the clothing confiscated is for identification purposes only, the assigned detective(s) shall retrieve and package same for delivery to the Central Evidence & Property Section.

If the clothing is to be processed for trace or physical evidence, a crime scene technician shall assist the assigned investigating detective 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.

Any clothing items confiscated shall be packaged individually.

The investigating officer is responsible for ensuring all evidence is tested.

PR406.6 MAJOR CRIME SCENE SIGN-IN SHEET/OFFICER'S STATEMENT FORM

The first responding ranking officer(s) shall designate the crime scene perimeter boundaries, and assign an officer to record the names of all individuals who enter the scene, both before and after the perimeter has been established. The assigned officer(s) shall obtain the names of police officers, ranking officers, Emergency Medical Services technicians, crime scene technicians, etc. until such time as he/she is relieved of the duty by a ranking officer or the case detective(s) who reassigns this responsibility.

The "Major Crime Scene Roster/Summary Report (Form #187) shall be utilized by the officer assigned the responsibility of recording names of persons entering the crime scene. All members of this department shall provide their name, employee identification number, and unit number, and may be required to produce identification if requested, to comply with this log sheet. The member shall also affix his/her initials in the space provided next to their name.

The officers responsible for the Major Crime Scene Roster/Summary Report shall also ensure all officers entering the crime scene complete a Major Crime Scene Officer's Statement Form (Form #188). Officers are responsible for completing this form prior to leaving the crime scene.

Upon completion of the scene investigation, the "Major Crime Scene Roster/Summary Report" shall be given to the assigned case detective. It shall be included as an official document in the supplemental investigation report.

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PR406.7 SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION

The technicians from the Scientific Criminal Investigations Section shall be responsible for the marking, collection , proper packaging and photographing evidence from a major crime scene. The technician shall collect identified evidence as requested by the assigned case detective.

The technician 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 technician 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 seized with the case.

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 assigned case detective who will list what examinations he requires. This form must be completed in specific detail to ensure that the requested testing of the evidence is clearly defined and articulated. Only those items which have a distinct examination request will be considered for analysis at the laboratory.

PR406.7.1 COMPARATIVE SAMPLES

Specialized laboratory testing which requires comparative samples that must be obtained from a suspect at a later date, such as blood and hair, shall be obtained through proper court order with the assistance of the District Attorney's Office. The assigned case detective(s) shall have the responsibility for coordinating the collection of these samples through the appropriate court recognized facility.

PR406.7.2 CRIME SCENE AND LABORATORY REPORTS

The Scientific Criminal Investigations Section shall forward a report to the assigned case investigator upon completion of any requested laboratory analysis, including supplemental requests. Such reports shall be authored and forwarded whether the laboratory findings were positive or negative. This investigative lab summary shall become a part of the reporting package which shall be delivered to the District Attorney's Office for case screening by the assigned case detective. A copy of this report shall also be forwarded to the Records and Identification Section for inclusion as a supplemental report.

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Hazardous Material Response

PR412.1 CENTRAL EVIDENCE AND PROPERTY - HAZARDOUS MATERIALS

Hazardous materials shall not be stored in the Central Evidence & Property Section.

PR412.2 EXPLOSIVES, ACIDS AND FLAMMABLE SUBSTANCES

Explosives, acids, and flammable substances shall be processed and transported by Bomb Technicians or other governmental agencies utilizing the appropriate vehicle and transportation technique to be determined by the technician and considered safe.

PR412.3 SAMPLING

Bomb Technicians shall determine if a sampling of the explosive compound or

chemical agent can be safely extracted for evidentiary processing.

If a sampling of the substance can be safely retrieved for Crime Lab processing, it shall be the Bomb Technician's or other governmental agency's responsibility to transport same to the Crime Lab or other appropriate facility for processing.

Substances whereby samples cannot be safely extracted shall be disposed of in a manner considered safe by the Bomb Technician or other governmental agency and in accordance with Federal and State Law governing disposal of hazardous material. The process of disposal shall be documented in writing and photographed. The photographs shall be deposited as evidence in the Central Evidence and Property Section.

Explosives, acids, flammable substances, and hazardous materials shall not be processed, transported, or stored as property. Scenes where these compounds pose a hazard to the public shall be processed by the appropriate Federal or State agency or competent independent contractor governing disposal of hazardous waste.

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Hostages and Barricade Incidents

PR414.1 GENERAL INFORMATION

Nothing in this procedure shall be construed to prohibit officers from making apprehensions when it is reasonable to assume that no injury to a hostage or an innocent person might occur. Officers initially on the scene shall not bargain with, negotiate with, or entertain any requests made by persons holding hostages nor allow them to leave the area except as authorized by Special Operations.

Injured individuals shall be immediately evacuated from the scene by emergency medical personnel and the location of their treatment shall be documented by scene personnel in order to obtain necessary reporting information.

PR414.2 INSTRUCTIONS - ACTIONS OF FIRST RESPONSE UNITS (FIXED INCIDENT)

In those instances where the perpetrator is obviously on the scene in a fixed or static location, the first unit(s) on the scene shall contain the situation by forming a perimeter around the scene. Officers should not be in direct line of fire but should be situated in such a way that no perpetrator(s) can escape. The officer on the scene shall immediately notify his senior ranking officer and the Communications Division of the situation.

During sniper situations, officers should determine areas vulnerable to the suspect's field of fire. Officers should attempt to determine the number, type, and range of the suspect's weapons. If possible, officers should determine the probable location of the suspect and safe access routes for responding support units.

In incidents of this nature, the Communications Division, through the Command Desk, shall contact the on duty Special Operations Tactical Platoon Commander. When no platoon is working, the Special Operations SWAT call out roster should be followed for notification purposes. The Command Desk shall follow the critical incident protocol in making notifications of the respective Command Staff in incidents of this nature.

The Command Desk will assume responsibility for all outside agency (federal, state, etc.) notifications. All requests for support assistance (ambulance, fire, rescue) will be routed through the Command Desk by the scene commander.

PR414.2.1 ON-SCENE COMMAND (FIXED LOCATION)

The highest ranking officer on the scene will be designated Scene Commander and will utilize the necessary on duty personnel to maintain an effective perimeter until the arrival of the Special Operations Supervisor who shall assume responsibility. The Special Operations Supervisor will be responsible for setting up a Command Post, an inner perimeter, and field related tactical measures from which to assure containment, control, and handling of the incident. The highest ranking officer for the district of occurrence will be responsible for the outer perimeter utilizing on-duty personnel, unless or until sufficient Special Operations personnel are also available for outer perimeter control.

The Scene Commander will provide for the evacuation of all other persons that might be in danger from actions of the police and/or perpetrator. These activities should be carried out without confronting the perpetrator or endangering police personnel. Scene Commanders

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shall be responsible for control of all police personnel and the monitoring of police officer safety.

PR414.2.2 COMMAND SCENE TRANSITION

The Special Operations Division Commander or his/her designee will be in command of the overall scene for the purpose of management, coordination, and planning as it directly pertains to incidents involving hostages, snipers, or barricaded persons. The scene command transfer will be coordinated by the Commander of Special Operations by a radio communication to the Command Desk identifying the Ranking Officers involved and the specific time of the transfer of field command.

PR414.2.3 NEWS MEDIA COORDINATION

All media activities will be coordinated under the guidance of the department's Office of News Media Relations/Public Affairs . The Office of News Media Relations/Public Affairs is directed to contact the Special Operations Division's command post on arrival at the scene of the incident. Media releases will be made in accordance with department policy and with the acknowledgment of the Commander of the Tactical Division.

PR414.2.4 SWAT HANDLING OF HOSTAGE(S)/SNIPER(S)/BARRICADED PERSON(S)

The Special Operations Division's (Tactical Division) SWAT team shall take the appropriate action, commensurate with and befitting the circumstances and conditions, to handle the existing critical incident situation. This would include the coordination of negotiation personnel, tactical teams, and media access. These activities, including the use of force and the introduction of chemical agents, will be guided by departmental regulations, the prevailing state statutes, and in general good faith for the protection of life.

The Tactical Division response to special operations will include the utilization of trained negotiators and support staff. Their activities will be directed by the Tactical Division Commander or his/her designee.

The Tactical Platoon Commander will conduct a thorough after action review of all SWAT team operations. The review will include all team personnel, support elements, and command staff. All after action review findings will be documented for utilization in training and enhancement of future operations.

PR414.2.5 ACTIONS OF FIRST RESPONDING UNITS (MOBILE INCIDENT)

In those instances where the hostage situation is mobile in nature (by way of foot, automobile, train, airplane, boat, etc.) or a shooting situation is of a mobile or continually moving nature, the first unit in contact shall maintain surveillance and make notifications to the Communications Division and a ranking officer. Supervisory personnel shall maintain control of traffic routes and accessibility

THESE DIRECTIVES SHALL IN NO WAY CONFLICT WITH THE DEPARTMENT'S POLICY/PROCEDURE COVERING VEHICLE PURSUITS.

In incidents of this nature, the Communications Division, through the Command Desk, shall contact the on duty Special Operations Division's Tactical Platoon Commander. When no platoon is working, the Special Operations SWAT call out roster should be followed for notification purposes. The Command Desk shall follow the critical incident protocol in making notifications of the respective Command Staff in incidents of this nature.

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In the event of rapidly developing incidents or circumstances, the above directive in no way prohibits police personnel from acting by guidance of departmental procedures, state law, and/or in good faith in taking the appropriate action to immediately protect lives or in their own defense.

In those instances where the situation develops into a fixed or static location, the fixed incident procedure shall apply.

PR414.3 REPORTING

The Special Operations Division shall complete a Supplemental Report, once they have assumed command of the scene, to the initial report written by the first responding officer from the district of occurrence.

(a) The Special Operations Division shall complete a Supplemental Report referencing the actions taken by that Division in bringing the incident to a conclusion. A copy of the supplemental report shall be forwarded to the unit or division conducting the original investigation.

(b) District officers shall be responsible for obtaining warrants and/or Order of Protective Custody (OPC) papers that are necessary.

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PR419

ARRESTS

PR419.1 ADULT STATE FELONY AND/OR MISDEMEANOR ARRESTS OF WANTED PERSONS

An arresting officer shall check the arrested person's name and/or identification number in the M.O.T.I.O.N. computer system.

All state felony and misdemeanor arrestees shall be transported to Central Lockup for processing.

All state felony and misdemeanor charges shall be documented in an incident report.

The arresting officer shall complete a face sheet of an incident report for each arrested person prior to arrival at Central Lockup. If an officer(s) believes the victim(s), prisoner(s), or others, may be in danger and/or when immediate transportation is necessary, the Incident Report face sheet may be completed at Central Lockup.

A copy of the Incident Report face sheet and the arrest warrant shall be left at Central Lockup with the receiving deputy.

Any person arrested or detained in connection with an investigation or commission of any offense, shall be advised the reason for his/her arrest or detention, and shall be given his/her Miranda Warnings. Officers shall respect the constitutional rights of arrestees/detainees at all times while the person is in custody.
/
If the arrestee chooses to waive his/her rights and make an oral or written statement, the investigating officer must complete a "Rights of an Arrestee or Suspect" form and allow the arrestee to sign it. The pink copy (marked Central Lockup Copy) of the form is left at Central Lockup with the face sheet. The blue copy (marked Prisoner's Copy) is given to the arrestee. All other copies are attached to the Incident Report.

If the arrestee chooses to waive his/her rights and make an oral or written statement, but refuses to sign a "Rights of an Arrestee or Suspect" form, the investigating officer shall indicate the refusal on the form.

PR419.2 ADULT STATE FELONY AND/OR MISDEMEANOR ARRESTS WITHOUT A WARRANT

The arresting officer shall prepare a detailed gist of the facts using a New Orleans Police Department Incident Report Gist Sheet at the time of arrest.

All Felony arrest Gist’s shall indicate, in writing, if the victim of the offense is a member of the arrested subject’s family, household member, or dating partner.

The Gist shall be reviewed and approved by the arresting officer's supervisor. A copy of the completed and approved Gist with a face sheet is left with Central Lock-Up personnel at the time the prisoner is left in the custody of Central Lock-up.

The original Gist is attached to and noted in the narrative section of the incident report.

The original Gist is retained by the reporting officer and attached to the completed report.

PR419.3 ARREST OF ADULT WANTED PERSON (ORIGINATING WITHIN ORLEANS PARISH)
If an officer locates a person wanted for an offense that occurred within the City of New Orleans, the officer shall verify the person is wanted through N.C.I.C. prior to arrest. Personnel assigned to N.C.I.C. shall forward a copy of the arrest warrant or crime bulletin to the arresting officer at Central Lockup.

When the arresting officer is not the original investigating officer, he/she shall email a copy of the approved supplemental report to the original investigating officer and the supervisor of the unit where the warrant originated. Once the report is completed and approved by a supervisor it shall be submitted to the A-Case Officer then forwarded to the Orleans Parish district Attorney's Office.

If a prisoner is left at Central Lock-up for booking without the arresting officer knowing there is an outstanding arrest warrant, the following procedure(s) will apply:

(a) If the arresting officer is on duty, he/she will be notified to return to Central Lock-up and charge the prisoner with the criminal violations detailed in the warrant.
(b) If the arresting officer is off duty, the next available officer from the arresting officer's assignment will proceed to Central Lock Up and re-charge the prisoner with the Criminal violations detailed in the warrant.

PR419.4 CHARGING A PRISONER WITH ADDITIONAL VIOLATIONS
The investigating officer shall verify the individual to be charged is still in the custody of the Orleans Parish Sheriff:

(a) Complete a face sheet and gist for each individual item number under which the prisoner is being charged;
(b) Hand deliver a copy of the face sheet and gist containing the information to Central Lock-up; and
(c) Prepare an original incident report.

PR419.5 CANCELLATION BULLETINS
If the warrant(s) is local (issued by NOPD), the arresting officer shall send a cancellation bulletin for an arrest based upon a verified warrant/crime bulletin and affecting an arrest for an open NOPD item. The cancellation bulletin contains the disposition of the arrest (physical arrest or summons issued); if a summons was issued the summons number is noted in the bulletin. NOPD has no authority to modify, locate or cancel any warrant(s) from another department, agency, or jurisdiction. Therefore, no cancellation bulletins shall be sent for any fugitive arrest (17F), court capias (21), municipal or traffic attachments (17M/T), or probation violations.

PR419.6 ARREST OF POSTAL EMPLOYEES
Mail carriers of the United States Postal Service on duty for the Post Office are not generally placed under arrest for minor violations of the law including traffic offenses.

When an officer observes a violation of the law, the investigating officer may issue a municipal summons or traffic citation in accordance with the Policies 420 and 516.The mail carrier shall be released as soon as possible.

If an arrest is required by law and the offense is of a minor nature, the investigating officer shall contact his/her supervisor. The supervisor will then contact the mail carrier's supervisor and arrange to have him/her placed in custody at the end of his/her tour of duty.

If the criminal violation is a felony or the mail carrier's action may cause injury or material property damage, the investigating officer shall contact his/her supervisor. The supervisor will then contact the carrier's supervisor immediately through the Communications Services' Platoon Commander and request a postal supervisor take custody of any mail in possession of the arrested employee. U.S. Postal equipment and Mail shall not be left unsecured.

If a mail carrier is arrested, the investigating officer shall contact his/her supervisor to meet him/her at the scene of the arrest. In the event of a felony arrest the supervisor will contact a member of the Public Information Office providing information of the incident.

Police officers shall not, if it is possible, obstruct delivery of the United States Mail.

PR419.7 ARREST OF SPECIAL OFFICER, RESERVE OFFICER OR RESERVE SHERIFF
When arresting a special officer, reserve officer, or reserve sheriff, the arresting officer shall:

- Confiscate the commission ID card of a special officer, reserve police/sheriff or honorary officer from any jurisdiction at the time of his/her arrest.
- Prepare an incident report and include a copy of the commission identification card. The original commission shall be brought to the Central Evidence and Property Division (CE&P) and entered as the property of the issuing agency.

The Commander of CE&P will forward the commission card to the Chief/Sheriff of the agency issuing the commission within seventy-two (72) hours noting the appropriate catalog disposition.

- Forward a copy of the incident report to the Chief/Sheriff of the issuing agency.
- Contact his/her supervisor, who will then make every effort to contact the supervisor/chief/sheriff of the arrested person at the time of the arrest.

The Commander of the Reserve Division and Commander of the Public Integrity Bureau will be notified by the on duty Communications Services platoon commander if an arrest or summons was issued to an NOPD reserve police officer. The Public Integrity Bureau will conduct an investigation.

PR419.8 ARREST OF LAW ENFORCEMENT OFFICERS FROM OTHER JURISDICTION
The following guidelines shall be utilized when arresting law enforcement personnel from other jurisdictions who are found to be in violation of a city ordinance, or state law, and are arrested or issued a summons to appear in court.

When an individual is arrested, and it is determined the person is a commissioned law enforcement officer from another jurisdiction, the arresting officer shall confiscate the identification credentials prior to transporting the subject to Central Lock-up. An incident report shall be written in all instances where a commissioned individual is arrested.

The arresting officer shall notify his/her supervisor who will then notify the agency where the arrested person is employed and inform them of a brief synopsis of their employee's arrest as soon as possible. The notified individual shall be supplied with the item number of

the incident and the particulars surrounding the incident. If notification cannot be made in a timely manner, supervisors may utilize the Command Desk to accomplish the notification. The individual making the notification shall obtain the name of the individual notified at the subject's place of assignment. The name and assignment of the individual notified shall be made part of the incident report.

The credentials shall be confiscated as property and placed in the Central Evidence and Property Division. The Central Evidence and Property Division shall forward the identification card to the issuing agency, noting the appropriate disposition within their cataloging system.

The supervisor of the officer who confiscated the identification shall forward a copy of the report, or an interoffice correspondence (Form 105) explaining the details of the arrest/summons, to the Deputy Superintendent of the Public Integrity Bureau within twenty-four (24) hours.

A photocopy of the credentials along with a copy of the incident report shall be maintained in the arresting officer's unit file.

PR419.9 ARREST OF CITY OF NEW ORLEANS EMPLOYEES

When a City of New Orleans employee is arrested and the employee is not a member of N.O.P.D., the arresting officer shall notify the on-duty Command Desk Supervisor and relay the following information:

- The arrested person's name;
- Department or city agency where the arrested person is employed;
- Date, time, and location of arrest;
- Item number; and
- Charges filed against the employee.

Upon notification, the on-duty Command Desk Supervisor shall provide the Inspector General's Office on-duty Investigator, the Department Head or his/her designee where the arrested person is assigned, and a representative of the Public Information Office with the above listed information.

A report will be written documenting the incident and arrest of the city employee, including, but not limited to felonies, misdemeanors, and instances where a summons is issued in lieu of a custodial arrest.

The investigating officer's immediate supervisor will forward a copy of the report to the Inspector General's Office and the Director of the city agency where the employee is assigned within seventy-two hours.

Summons

PR420.1 GENERAL INFORMATION

All municipal arrest cases shall be set for the following working day, excluding Saturdays, Sundays, and holidays. Summons cases shall be set three working days from the date of issuance, excluding Saturdays, Sundays, and holidays. Officers shall set the court section based on the last two digits of the sequential item number assigned to the incident as follows:

Item number ending in 00-24 Division A, 8:00am Item number ending in 25-49 Division B, 8:30am Item number ending in 50-74 Division C, 3:00pm Item number ending in 75-99 Division D, 3:00pm

PR420.2 INSTRUCTIONS

All information shall be printed and signed in a black ink ballpoint pen.

Only one officer's name shall appear on the front of the form. Additional officers involved in the arrest shall be recorded on the back of the Court and Record Room copies under "City Witnesses".

Every space requesting information shall be completed.

Space is provided on an affidavit to allow for four separate charges.

PR420.2.1 OFFICER INSTRUCTIONS

The issuing officer is required to:

(a) List the name, address, and telephone number of complainant(s) and/or witness(es) on the back of the Court and Record Room copies;

(b) Inform the parties involved of the correct time, date, and court section if an arrest is made;

(c) List the appropriate information about injuries and/or the value of property involved (necessary for the courts to set an appropriate bond); and

(d) Complete the "officer's incident summary" on the rear of page one (original) and a concise gist/probable cause statement for each charge.

PR420.2.2 SUPERVISOR'S RESPONSIBILITIES

The issuing officer's supervisor shall review the completed summons form to ensure the information contained is complete and correct. After the supervisor completes the review, he/she shall administer an oath of office, print his/her name clearly as the administer of the oath, and sign in the space provided.

PR420.3 DISTRIBUTION OF FORMS

All municipal summonses shall be distributed as follows:

Hard White Copy - given to violator cited Yellow Copy - remains in the officer's book Pink Copy - given to desk officer prior to end of issuing officer's duty Two White Copies - given to desk officer prior to end of issuing officer's duty

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All non-traffic summonses for municipal charges shall be listed on the Daily Receipt of Municipal Summons form (Form #170). Commanders of a division/district/unit shall establish a procedure for delivering the summons to the Citation Processing Section prior to 7:00am daily when not picked up by the Ticket Processing Officer.

PR420.4 UNDERAGE DRINKING

All violations of La. R.S. 14:93.11 (Unlawful sales to persons under twenty-one) and La. R.S. 14:93.12 (Purchase and public possession of alcoholic beverages) shall be documented with an NOPD incident report. The entry "21U" (underage drinking) shall be made in the signal block. The words "Underage Drinking Violation" shall be entered in the incident block. The appropriate charge shall be listed on the Municipal Affidavit/Summons form in the block provided for state violations. The officer shall:

(a) Place an "X" in the box proceeding the violation;

(b) List the social security number of the violator on the second blank line in the employment section; and

(c) Set the date of appearance in the appropriate Municipal Court Section for three working days after the date the summons is issued, excluding Saturdays, Sundays and holidays.

Any additional charges shall be documented in a separate incident report, documenting the underage drinking violation item number in that report.

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Contacts, Detentions and Photographing Detainees

PR440.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a subject if he/she has articulable, reasonable suspicion that the person has been, is, or is about to be engaged in the commission of a crime. The following guidelines shall be followed when making an authorized stop to conduct a field interview.

(a) When approaching the subject, the officer shall clearly identify himself/herself as a law enforcement officer; if not in uniform, the officer shall announce his/her identity and display department identification.

(b) Officers shall be courteous at all times during the contact, while maintaining caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.

(c) Before approaching more than one subject, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.

(d) Officers shall confine their questions to those concerning the subject's identity, place of residence, and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a subject longer than is reasonably necessary to make these limited inquiries.

(e) Officers are not required to give subjects Miranda warnings in order to conduct field interviews.

(f) Subjects are not required, nor can they be compelled, to answer any questions posed during field interviews except to disclose his/her name (Hiible v. Nevada; La. CCP 215.1). Failure to respond to an officer's inquiries, except to disclose his/her name, is not, in and of itself, sufficient grounds to make an arrest, although it may provide sufficient justification for additional observation and investigation. Officers must use the investigative technique which is least intrusive and reasonably available to verify or dispel the officer's suspicions.

(g) Generally, subjects should not be handcuffed or restrained during stops based on reasonable suspicion. If the reasonable suspicion develops into probable cause for arrest, normal arrest procedures apply.

PR440.2 PROCEDURES FOR PERFORMING A PAT-DOWN SEARCH

When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution, restraint, and sensitivity. Under these circumstances, pat-down searches should be conducted in the following manner:

(a) Whenever possible, pat-down searches should be conducted by at least two officers, one who performs the search while the other provides protective cover. When possible, a pat-down search should be performed by an officer of the same gender as the subject being searched. If an officer of the same gender is not immediately available to conduct the search, the search should be done with the back of the officer's hand, or with the fingertips.

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(b) Because pat-down searches are cursory in nature, they should be performed with the subject in a standing position or with hands placed against a stationary object and feet spread apart.

(c) In a pat-down search, officers are permitted only to externally feel the outer clothing of the subject. The officer may not manipulate the object(s) with his/her fingers. An officer may not place his/her hands in pockets unless he/she feels the object could reasonably be a weapon, such as a firearm, knife, club, or other item.

(d) Items of contraband, which are immediately recognizable as contraband using a pat down search (without manipulation of the object), can be seized as evidence.

1. For successful prosecution, the officer must articulate within his/her report the reason for the stop, the pat down search, and the basis of his/her belief the subject was carrying a weapon.

(e) If the subject is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item, but instead place it out of reach of the subject.

(f) If the external feeling of the subject's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, and the possession of said weapon is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

1. If the item seized is not a weapon, but found to be illegal contraband, the subject shall be arrested and the provisions of subparagraph (d) above shall apply.

PR440.3 REPORTING

Members of the department conducting field interviews shall complete field interview cards (F.I.C.), recording the information for the individuals involved, subject to the below guidelines:

(a) When an officer has an articulable reason to stop a pedestrian or driver who has become the subject of a vehicle stop, which when made under the guidance of Terry v. Ohio (Terry Stop) shall cause an F.I.C. to be recorded in connection with that stop.

(b) This includes those incidents where a report is made, a citation/summons issued, or where the arrest is made in accordance with the above.

(c) Officers making vehicle stops which result from an observed violation of Title 32, Motor Vehicles and Traffic Regulation statutes or their municipal equivalents shall complete an F.I.C. card whether a citation is completed or not. However, an F.I.C. requirement shall not apply to those situations where vehicles are involved in an auto accident, regardless of whether the drivers of those vehicles were issued a citation as a result of the accident.

(d) Only one F.I.C. entry should be made for each incident, unless it is necessary to enter additional individuals. The F.I.C. entry shall be made by the primary unit on the scene.

(e) Field supervisors shall review all Field Interview Cards to ensure that officers are complying with departmental policy regarding stop and frisk, and that Field Interview Cards are completed accurately.

F.I.C.'s shall be completed via Mobile Data Terminal (M.D.T.), if available. If no M.D.T. is available to the investigating officer, F.I.C.'s may be entered via computer network terminals. These computer network terminals are available at each district station, as well as other departmental installations and entries shall be made by the investigating officer.

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(a) Entries made via M.D.T. shall be made at the time the field interview is conducted.

(b) Entries made via land-line computer network terminal shall be made prior to the end of the officer's tour of duty. Entries made at a later time of the day shall contain the date and time of the stop, not the date and time of the entry.

The template for F.I.C. entries made on M.D.T.'s is the same as the template for F.I.C. entries made on computer network terminals. If the F.I.C. is completed over a land-line computer network terminal, the officer must enter the date and time. If the F.I.C. is completed on an M.D.T., the date and time will automatically be entered by the computer based on the time of entry. Instructions for completion of the F.I.C. template are as follows:

(a) Each field is labeled. Enter the appropriate information into each field. If a field does not apply, do not enter any information into that field.

(b) In the field titled "Reason for Stop," the officer shall enter a brief descriptive language of the circumstances which justify the stop.

(c) In the field titled "Disposition," enter the disposition for the incident. The only acceptable dispositions are "NAT" (necessary action taken) or "RTF" (report to follow).

(d) If more than three (3) individuals are to be entered into the F.I.C. template, more than one template will be required. A reason for stop and disposition must be entered for each template before moving on to a new, blank template. The computer will create an association between successive card entries based on the car number and location entered in the first template for entries made via M.D.T. If the F.I.C. entry is made via land-line computer network terminal, the officer will be given the option to Continue/Save or to Save. If the officer chooses Continue/Save, a new template will be generated for additional entries. Once an officer is finished entering data for the incident/stop, the officer should choose Save, which will terminate the session and make the computer ready to accept F.I.C. entries for a new incident/stop.

PR440.4 OFFICER'S RESPONSIBILITIES

Officers shall document investigatory stops and detentions, and any searches resulting from or proximate to the stop or detention.

PR440.5 SUPERVISOR'S RESPONSIBILITIES

Supervisors are responsible for reviewing all documentation of stops, detentions, searches and seizures submitted by officers within twelve (12) hours, absent exceptional circumstances, of receiving the information.

Supervisors shall be aware of:

(a) Investigatory stops and detentions that appear unsupported by reasonable suspicion

(b) Searches that appear to be without legal justification

(c) Stops or searches in violation of NOPD policy

(d) Stops or searches that indicate a need for corrective action or review of agency policy, strategy, tactics, or training.

Supervisors shall report and shall document:

(a) Those investigatory stops and detentions that appear unsupported by reasonable suspicion;

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(b) Those searches that appear to be without legal justification;

(c) Stops or searches in violation of NOPD policy; or

(d) Stops and searches that indicate a need for corrective action or review by agency policy. Strategy, tactics, or training.

Supervisors shall take appropriate action to address all violations or deficiencies in investigatory stops or detentions, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation.

Supervisors shall track each violation or deficiency and the corrective action taken, if any, in order to identify officers needed repeated corrective action.

Supervisors shall ensure that each violation or deficiency is noted in the office's performance evaluations.

PR440.6 COMMANDER'S RESPONSIBILITIES

The quality and completeness of these supervisory reviews shall be taken into account in the supervisor's own performance evaluations. Commanders shall take appropriate corrective action or disciplinary action against supervisors who fail to conduct complete, thorough, and accurate reviews of officer's investigatory detentions and searches.

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Mobile Digital Computer and Automatic Vehicle Locator Use

PR448.1 DEFINITIONS

MobileCop:

The program used to allow the MDC to communicate with other computers via the MDC Network and to access and receive data stored in those systems. LEMS, MOTION, CAD, and JPSO-ARMMS can be accessed via the MDC Network.

LEMS (Law Enforcement Message Switch):

This acronym stands for the Louisiana Law Enforcement Message Switch. LEMS will allow officers to check, directly from the State, vehicle registrations, driver's license numbers, and state criminal history records.

MOTION(Metropolitan Orleans Terminal Information Online Network):

This is the City's database for

warrants and attachments, booking and arrest information, and stolen property checks.

JPSO ARMMS (Automated Records Management System):

This system, maintained by the Jefferson Parrish Sheriff Office, is a database for warrants and attachments, booking and arrest information, and stolen property checks

LACrash(Louisiana Crash):

Is the accident software system used by the New Orleans Police department to electronically capture motor vehicle accident reporting information.

PR448.2 MDC ACCESS CAPABILITIES

Through M.O.T.I.O.N. officers can run name checks (still have to verify with NCIC on a MOTION hit), run vehicle checks through SLIX for stolen and registration, run bicycle checks for stolen, run guns through SLIX, and run address checks.

Through LEMS, officers can run vehicle registration checks, driver's license checks by name or operator's license number and gun serial numbers for registration.

Officers can also access the Computer Aided Dispatch (CAD) system, JPSO ARMMS, the LaCrash system, and NOPD web applications.

PR448.3 COMPUTER AIDED DISPATCH

MDCs may be used to communicate with the dispatcher directly through the MDC Network. The officer can access any information regarding a call dispatched, including location, time call received, name of complainant, and the item number assigned. The officer also has access to complaint history at the location, as well as other database information which will assist in the handling of that call for service.

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Officers shall log onto the computer aided dispatch system at the beginning of their tour of duty, and logoff at the end of the tour. Officers shall be assigned to process calls for service with the MDC and will be responsible for the monitoring and acknowledgment of communications from dispatchers and supervisors.

PR448.4 ELECTRONIC MAIL

The MDC allows electronic text messages (E-mail) to be sent from field units to other field units. The use of MDC E-mail is restricted to messages related to department work and line of duty performance. Officers are prohibited from sending E-mail for personal business, non-scope of work related issues, or fictitious or malicious purposes. The department reserves the right to monitor, record, and take disciplinary action for improper use of the E-mail function.

PR448.5 INSTALLATION

All hardware installation will be performed at the radio shop by personnel assigned to the Technology Section. No other personnel will be allowed to install, remove, or otherwise tamper with the installation of the MDC or AVL equipment except as directed by the Commander of the Technology Section

PR448.6 INVENTORY/ASSIGNMENT

All MDCs will be engraved with the serial number affixed to a certain location on the frame of the underside of the MDC under a removable tab. The MDC and associated AVL equipment assigned to each vehicle shall remain in that vehicle. Any changes of inventory or assignment, including reinstallation or movement of an MDC to another vehicle shall only be made by the MDC Administrator in the NOPD Technology Section. **NO EXCEPTIONS**.

PR448.7 CARE OF EQUIPMENT

The MDC equipment installed in police vehicles is sensitive, and all due caution must be exercised in its care and handling. Although the MDC is rugged, this does not mean it can be abused. The placing of drinks, clipboards, or other objects upon its components can cause damage to the unit and is strictly prohibited. Supervisors shall be responsible for ensuring that officers under their command use and care for MDC and AVL equipment as required by procedure.

Officers shall not unplug any devices such as Aircards, GPS/AVL antennas, and power cords that are installed to the MDC or MDC mount.

Officers shall not change, modify or disassemble any parts of the MDC or MDC mount.

PR448.8 TRAINING AND ACKNOWLEDGEMENT FORM

Officers shall not use departmental MDCs until they attend MDC training on the proper and authorized use of departmental MDCs and they sign the acknowledgement form indicating that they have been trained and that they understand the policies and procedures for the proper and authorized use of departmental MDCs.

PR448.9 SECURITY OF RECORDS AND USER PASSWORDS

The MDC will have a direct link to the NOPD MOTION system and the State LEMS system. Both of these systems are password protected and allow officers access to sensitive and restricted information. The protection of passwords is critical to prevent the unauthorized use of the MOTION and LEMS systems.

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The MOTION and LEMS systems are to be used for law enforcement purposes only and shall not be used in violation of the 1972 Federal Privacy Act regarding the dissemination of criminal records to unauthorized personnel. Personnel operating the MDC's will be held accountable for the protection of their respective password while accessing the system. Only authorized criminal justice personnel, while in the performance of their duties, are allowed access to the content(s) of any file retrievable through the computer system.

MDC users must remember that whenever a file is accessed the information system creates an audit trail of the transaction. This audit trail is filed and can be used to determine which files were accessed, the time they were accessed, and the individual who accessed them.

MDC users shall use the password that is presently assigned to them by the New Orleans Police Department to access the MDC. Each officer will be required to log on with their username (last name + badge#) and assigned password at the beginning of the shift. This log on process will give the officer the ability to access the MobileCop software which is the interface between the MDC in the vehicle and the MOTION and LEMS systems. If the officer does not logon, the officer will not be able to use the MDC to access the files in these systems.

PR448.10 INSPECTION UPON ENTERING VEHICLE

Upon entering a vehicle at the start of the watch an officer shall check the MDC and AVL operability to insure that it is functioning properly and has not been damaged. Any malfunctioning equipment or damages observed must be reported immediately to a supervisor. Any damage to equipment shall be documented via an NOPD incident report. Supervisors shall report equipment problems and seek to have equipment repaired as needed. Supervisors shall refer for investigation any officer found to fail to properly use or care for MDC or AVL equipment. **The supervisor shall** have the officer take the vehicle to the MDC Unit during normal operational hours to be checked. If in the opinion of MDC Unit personnel the equipment is functioning properly, the vehicle will be immediately placed back in service. If the equipment is deemed to be inoperable by the MDC Unit personnel, MDC Unit personnel will remove the computer from the vehicle.

If the MDC Unit is not open, the supervisor shall leave written notice that the vehicle shall be brought to the MDC Unit at the next opportunity during working hours. A copy of this written notice shall be forwarded to the supervisor's respective District/Division Commander.

PR448.11 UNAUTHORIZED SOFTWARE

Users are prohibited from installing, loading, running, and executing any software not specifically authorized by the MDC Unit. Software configuration problems shall be determined by the MDC Unit. If, in the opinion of MDC Unit personnel, the software or operating system has been tampered with, an inquiry shall begin to determine the cause of the software failure. If the software failure is caused by the addition of unauthorized software or the tampering of the existing system software, the MDC Unit will investigate further to determine the person(s) responsible for tampering with or loading the unauthorized software.

If unauthorized programs (software) are found on the MDC, the commander of the Technology Section will contact the commander of the unit the vehicle is assigned to, to request that a DI-1 investigation be initiated to determine how the software was installed. If the outcome of the investigation identifies the individual responsible for the unauthorized software installation, disciplinary action will be taken against that individual.

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PR448.12 UNAUTHORIZED HARDWARE

Users are prohibited from attaching any unauthorized peripheral devices to the MDCs. Unauthorized Peripheral devices include but are not limited to: Cell phones, DVD Players, Personal GPS Devices, CD-ROMs, Digital Video/Camera's, USB and serial storage devices, and printers.

PR448.13 COLLISIONS AND VEHICLE MAINTENANCE

Supervisory personnel shall be responsible for inspecting the MDC in a vehicle involved in a traffic collision for damages caused by the accident. If the vehicle and MDC are operable, the MDC will remain in the vehicle until such time as the vehicle is ordered to the body shop for repairs. When the vehicle is ordered to the body shop, the MDC will be removed by the MDC Unit where it will be stored until the vehicle is repaired. When the vehicle is inspected and picked up from the repair shop, the MDC Unit shall be notified to have the MDC reinstalled in the vehicle.

If a vehicle is scheduled to be brought to a repair shop/EMD for maintenance expected to last longer than forty-eight (48) hours, the vehicle will be brought to the MDC Unit where the MDC will be secured until the unit is returned to service.

PR448.14 OFFICER OUT OF VEHICLE

During an officer's tour of duty, the officer will secure the vehicle every time he/she exits the unit by locking all doors and windows. The operator of any department vehicle which has an MDC installed will be held responsible for any stolen, missing, or damaged Departmental Equipment if the vehicle is left unsecured. There is no exception to this mandate as this is for the security of the vehicle as well as the MDC in the vehicle.

MDCs in vehicles with MDC mounts must be locked and fully secured in the installed mount. If the MDC can't be secured in its mount, then when the vehicle is unattended the MDC will be secured in the locked trunk of the assigned departmental vehicle.

PR448.15 MAINTENANCE

A regular maintenance schedule for testing MDC and AVL equipment will be developed and maintained by the MDC Unit. During this scheduled maintenance MDC Unit representatives will inspect and perform maintenance on the MDCs assigned to the visited unit. The MDC Unit representatives will inspect and perform maintenance checks on available MDC equipment and associated AVL devices and list any problems found. Necessary corrective measures shall be taken to repair or replace malfunctioning equipment.

Unit Commanders shall be notified in advance via telephone before the scheduled maintenance will take place. Unit Commanders will be responsible for making their vehicles with MDCs available for inspection and maintenance.

PR448.16 CONFIRMATION OF WANTS AND WARRANTS WITH N.C.I.C.

Officers receiving wanted or warrant hits while using an MDC shall contact N.C.I.C. by telephone or radio to confirm verification on wanted subjects or stolen vehicles.

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Automated License Plate Readers (ALPR)

PR462.1 AUTO THEFT UNIT RESPONSIBILITIES

The Investigation and Support Bureau Property Crimes Unit Commander shall be responsible for managing the user end of the ALPR system to include:

(a) Verification of State N.C.I.C. "Hot List" downloads every 12 hours;

(b) Creation of user "IDs" and confidential passwords for each ALPR user;

(c) Training for new ALPR users;

(d) Preliminary troubleshooting of the ALPR system user issues;

(e) Notification of the Information Technology Section in instances of vehicles equipped with ALPR equipment which have become inoperable due to a crash, serious mechanical defect or deletion from the fleet;

(f) Preparing statistical reports relative to user activity;

(g) Providing investigative leads upon request; and

(h) Managing covert "BOLOS" on vehicles of interest.

PR462.2 INFORMATION TECHNOLOGY SECTION RESPONSIBILITIES

The Information Technology section shall be responsible for managing all equipment and data related ALPR issues to include:

(a) Database storage and connectivity issues with the City of New Orleans;

(b) Long term storage of data to be of evidentiary value consistent with the department's storage protocols and retention schedule;

(c) The removal and storage of ALPRs and their components from damaged, wrecked vehicles and vehicles slated for deletion, once notified;

(d) The re-installation of ALPRs previously removed from damaged, wrecked vehicles and vehicles slated for deletion to serviceable vehicles;

(e) Rectification of all technical, server and database related issues via the ALPR vendor and the City's Management of Information Systems Division; and

(f) Active monitoring of all fixed cameras and mobile units to ensure the system is properly processing and storing collected data.

PR462.3 INDIVIDUAL UNIT RESPONSIBILITIES

Units possessing mobile ALPR systems shall be responsible for:

(a) Periodic inspection and cleaning of the ALPR camera lenses (in accordance with vendor specifications) to ensure proper operation; and

(b) Notification of the Information Technology Section and the Investigation and Support Bureau Property Crimes Unit Commander of instances in which vehicles affixed with ALPR systems have become inoperable, substantially damaged or are slated for deletion, to ensure proper removal and storage of the ALPR system by the Electronics Section.

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PR462.4 OFFICERS RESPONSIBILITIES

Officers must complete training on PAGIS (software), prior to using the ALPR system. Once an alert is received, officers must visually verify the license plate on the vehicle and confirm its wanted status through NCIC. The wanted vehicle database is not in real-time and this step is necessary to confirm that the vehicle is still wanted and the license plate was read properly. Officers shall properly classify each alert received as a "valid hit" or a "misread" in PAGIS. When notifying the Auto Theft Unit for priority vehicle entry, officers will need to have available the year, make, model, and color of the vehicle, the license plate number, state and the reason for entry. A contact name and telephone number for the detective handling the investigation will also need to be provided. It will be this detective's responsibility to notify Auto Theft for timely removal of the vehicle from the "Priority Hot List" database upon apprehension. Officers shall notify the Auto Theft Commander, via departmental e-mail of all in-custody arrests and recoveries for tracking purposes, prior to the end of their shift. A copy of all associated paperwork shall be forwarded to the Auto theft Commander within 24 hours. Officers are prohibited from taking vehicles affixed with ALPR systems through automated car washes which utilize brushes as this may cause damage to the system's cameras.

PR462.5 PURSUITS

Any vehicle pursuits initiated by an ALPR alert are governed by the New Orleans Police Department's vehicle pursuit policy.

PR462.6 DISABLED VEHICLES

The Electronics Section shall be responsible for recovery of the entire ALPR system from a deleted vehicle within 96 hours of being notified of the vehicle's deletion. Once the ALPR system is removed from the vehicle, the Electronics Section shall notify the Information Technology Section and the Investigation and Support Bureau Property Crimes Unit Commander that they have removed the system from a deleted unit by sending a brief report indicating the vehicle A#, CAR#, along with an inventory of the ALPR equipment removed from the vehicle.

The NOPD Fleet and Equipment Services Section shall notify the Information Technology Section and the Auto Theft Unit in advance of deleting vehicles from the department inventory by sending a brief report to the sending a brief report to the Information Technology section, listing the A#, as well as Car# of the deleted vehicle.

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Chapter 5 - Traffic Operations

Traffic Function and Responsibility

PR500.1 STATIONARY OBSERVATION

The New Orleans Police Department deters traffic violators by open and visible patrol. Covert operations shall be utilized only when gathering information for eventual action through overt patrol.

PR500.2 VISUAL TRAFFIC PATROL

Any tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol. However, when there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.

(a) Uniform patrol officers, including officers assigned to Traffic Units, shall monitor areas where complaints of traffic violations are of a continuous nature including school zones prone to violations.

This function includes the aggressive enforcement of traffic-related violations with high priority given to driving while intoxicated (DWI) and school zone enforcement. Further enforcement will be directed toward high hazard intersections, speeding complaints, and as indicated by statistical reports. Enforcement shall be accomplished through area, line, and directed patrol. All officers shall wear the approved traffic vest when working any traffic related assignment.

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Traffic Direction & Control

PR505.1 MANUAL TRAFFIC DIRECTION

Below are instructions for directing traffic manually.

PR505.1.1 POSITION

Officers should select a position to direct traffic which provides a full view of the intersection or incident scene and its approaches thereby making the officer readily visible to drivers and pedestrians and affording maximum safety.

PR505.1.2 STANCE

Officers shall assume a posture at the control position which reflects confidence, command and courtesy.

PR505.1.3 COMMAND RESONSIBILITY

When more than one officer is involved in manual direction or control of traffic within the same area, the first officer on the scene shall assume the responsibility of coordinating traffic control.

PR505.2 SIGNALS

STOP - To signal a vehicle or stream of traffic to stop, the officer extends his/her arm toward the vehicle for which the signal is intended. The officer raises his/her upper arm to an angle of approximately 45 degrees above the horizontal, his/her elbow is bent, his/her hand is held in a vertical position with the fingers together and extended, and his/her palm is toward the approaching traffic. His/her hand is higher than his/her head and clearly visible to approaching traffic.

GO - The officer uses the hand nearest a stream of traffic to signal that stream to go. He/she starts the signal by first pointing his/her hand and arm horizontally with fingers extended toward the stream for which the signal is intended. He/she keeps his/her upper arm in a horizontal position while bringing his/her forearm and hand through a vertical arc. In signaling vehicles to go, the officer should remember that traffic from the right always passes in front and traffic from the left always passes in back of him/her. If traffic is to pass in front of the officer, he/she brings his/her hands to a position directly in front of his/her chin. He/she holds this position for approximately one second and then drops his/her hand to his/her side. He/she may repeat this signal rapidly several times to speed up sluggish traffic. He/she does not repeat it while a stream is moving, except to indicate that the flow is to continue after a break between vehicles. Unnecessary repetition of the go signal is tiring and may be interpreted as a faster signal, causing excessive speed through the intersection.

CHANGE DIRECTION OF FLOW - To change the direction of traffic flow, the officer first stops each stream of moving traffic. The stop position is executed with both hands. When the traffic has stopped and the intersection is clear, the officer turns 90 degrees and keeps both hands in the stop position. From the new position, he/she gives the go signal to streams of traffic to his right and left, separately. He/she takes care not to hold the stop signal too long after the vehicle makes its turn, because this would stop the flow cycle needlessly.

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TURN - The officer indicates permissible turns by pointing, with arm and hand horizontal and forefinger extended, to the vehicle which is to make the turn. He/she then swings his/her arm and hand horizontally and points in the direction the vehicle is to turn. While giving the signal, he/she looks toward the vehicle which is to turn. He/she uses the other arm to stop traffic if necessary. On all left hand turns, he/she stops the opposing lane of traffic first to allow vehicles to make their turns. When the vehicle is to turn behind him/her, he/she twists his/her legs and body to complete the signal to the rear. His/her feet remain stationary when giving this signal. He/she is alert to drivers' signals indicating their desired turns. If a driver wishes to make a prohibited turn, he/she shakes his head "no." He/she uses his/her whistle to attract the driver's attention if necessary. He/she then indicates by appropriate arm signal whether the vehicle is to proceed straight through the intersection or stop until signaled to turn.

WHISTLE SIGNALS - Whistle signals shall be coordinated with hand signals and of sufficient volume as to be audible with respect to surrounding conditions. Use one long whistle blast to command "Stop," two short whistle blasts to command "Proceed or Go," and a series of short whistle blasts to command "Attention."

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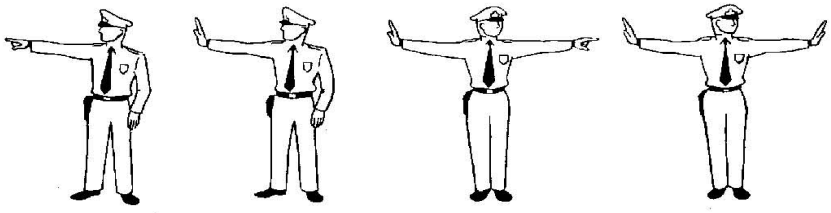

STOP

GO

RIGHT TURN

LEFT TURN

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DRIVING WHILE INTOXICATED AND IMPAIRED DRIVING EVIDENCE

PR514.1 DEFINITIONS

La. R.S. 14:98 and La. R.S. 14: 98.1 are enforceable on both public highways and private property.

14:98. Operating a vehicle while intoxicated

A. (1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:

(a) The operator is under the influence of alcoholic beverages; or

(b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or

(c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in La. R.S. 40:964; or

(d)(i) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription. (ii) It shall be an affirmative defense to any charge under this Subparagraph pursuant to this Section that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.

(e)(i) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription. (ii) It shall be an affirmative defense to any charge under this Subparagraph pursuant to this Section that the operator did not knowingly consume quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while intoxicated.

14:98.1. Underage driving under the influence

A. The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.02 percent or more by weight if the operator is under the age of twenty-one based on grams of alcohol per one hundred cubic centimeters of blood.

32: 661. Implied Consent:

Operating a vehicle under the influence of alcoholic beverages or illegal substance or controlled dangerous substances; implied consent to chemical tests; administering of test and presumptions.

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A.(1) Any person, regardless of age, who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of La. R.S. 32:662, to a chemical test or tests of his blood, breath, urine, or other bodily substance for the purpose of determining the alcoholic content of his blood, and the presence of any abused substance or controlled dangerous substance as set forth in La. R.S. 40:964 in his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while believed to be under the influence of alcoholic beverages or any abused substance or controlled dangerous substance as set forth in La. R.S. 40:964.

(2)(a) The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person, regardless of age, to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of either alcoholic beverages or any abused substance or controlled dangerous substance as set forth in La. R.S. 40:964. The law enforcement agency by which such officer is employed shall designate in writing and under what conditions which of the aforesaid tests shall be administered.

32: 666. Refusal to submit to chemical test; submission to chemical tests; exception; effects of

A.(1)(a)(i) When a law enforcement officer has probable cause to believe that a person has violated La. R.S. 14:98, 98.1, or any other law or ordinance that prohibits operating a vehicle while intoxicated, that person may not refuse to submit to a chemical test or tests if he has refused to submit to such test or tests on two previous and separate occasions of any previous such violation or in any case wherein a fatality has occurred or a person has sustained serious bodily injury in a crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of conveyance. Serious bodily injury means bodily injury which involves unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

The law enforcement officer shall direct that a chemical test or tests be conducted of a person's blood, urine, or other bodily substance, or perform a chemical test of such person's breath, for the purpose of determining the alcoholic content of his blood and the presence of any abused substance or controlled substance as set forth in La. R.S. 40:964 in his blood in such circumstances. The officer may direct a person to submit to a breath test, and if indicated, an additional blood test for the purpose of testing for the presence of alcohol, abused substances, and controlled dangerous substances. A refusal of any such test or tests shall result in the suspension of driving privileges as provided by the provisions of this Part.

A physician, physician assistant, registered nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician shall perform a chemical test in accordance with the provisions of La. R.S. 32:664 when directed to do so by a law enforcement officer.

PR514.2 DWI TESTING ROOM VIDEO AND AUDIO RECORDINGS

When utilizing the Special Operations Traffic Division DWI testing facility, officers shall adhere to the following provisions:

a) Upon arrival, officers shall ensure the mobile closed circuit camera located in the testing room is turned on by pressing the "Record" button, and remain activated for recording

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purposes throughout the entire process while the suspect is undergoing all phases of testing. The camera shall not be de-activated until the suspect exits the building.

b) If it is necessary to conduct a field sobriety test at the DWI testing facility, two officers must be present before the handcuffs may be removed from the arrested subject. Once the field sobriety test is completed, the officers shall reapply the handcuffs to the arrested subject.

c) Officers shall not leave prisoners unattended in the DWI testing facility.

d) The DWI officer shall maintain constant personal supervision and control of any arrested

subject secured in the DWI testing facility.

e) Video surveillance of the DWI testing area does not constitute constant personal supervision and control.

f) Prior to exiting the testing room, the arresting officer shall deactivate the video system by pressing the "Stop" button on the camera system.

The camera is equipped with a 30 second delay prior to activating and deactivating the system.

PR514.3 CHECKPOINTS

When conducting checkpoints, the following checkpoint construction guidelines shall be followed:

(a) Advance warning signs specific to the purpose, flares and other devices shall be utilized to warn motorists of the impending checkpoint.

(b) Officers should utilize checkpoint construction diagrams to assist with placement of safety devices.

(c) The initial sign advising motorists of the establishment of a checkpoint shall be placed at least 500 feet prior to the beginning of the checkpoint.

(d) Marked patrol units should be positioned in such a way as to provide maximum visibility.

(e) The Traffic Supervisor and all other personnel and equipment shall be in the proper place and operational before the first subject vehicle is stopped.

The Traffic Supervisor shall gauge whether anxiety of motorists, average length of detention, or safety considers necessitate the cancellation or modification of the checkpoint order.

The Traffic Supervisor shall document the time and reason(s) for the adjustments of the Roadside Safety Checkpoint Report.

Motorists who wish to avoid the checkpoint by turning before entering the checkpoint area should be allowed to do so unless a traffic violation is observed or probable cause exists to take other action.

If a driver voluntarily presents a driver's license for inspection prior to being told the purpose of the checkpoint, the officer is authorized to inspect the license. A computer check of the driving record is authorized only pursuant to a driver's license inspection.

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The Traffic Supervisor shall brief all assisting officers on checkpoint procedures prior to the assisting officer's participation.

The Traffic Supervisor shall ensure that NOPD personnel and all assisting officers conduct themselves in a professional manner and conform to the NOPD checkpoint procedures established.

PR514.3.1 ROADSIDE SAFETY CHECKPOINT PROCEDURES

The procedures set forth in this section shall be applicable to all NOPD established checkpoints.

(a) The Traffic/Section Commander, or his designee, shall specify in writing the location, time and duration of the checkpoint.

(b) Checkpoints may be established on any public highway as defined in LRS 32:1 et seq., and subject to the conditions of this order.

(c) Traffic Supervisors shall ensure that a sufficient number of officers are scheduled to safely perform a checkpoint.

(d) Officers shall utilize all issued and/or available safety equipment when conducting a checkpoint.

(e) The selection sequence of the vehicles to be stopped shall be prescribed and uniformly applied. No random stopping of vehicles will be allowed or tolerated.

(f) Checkpoints should be highly publicized by the NOPD Office of News Media Relations/Public Affairs. The specific location and duration of the checkpoint shall be given at the discretion of the Traffic/Section Commander.

(g) A Traffic Supervisor shall be present on the scene at all times to guide operations. Should it be necessary for the Traffic Supervisor to leave the scene, an acting supervisor shall be appointed.

(h) Locations will be selected which permit the safe flow of traffic through the checkpoint and consideration should be given to:

- posted speed limits, traffic volume and visibility.
- Ensure sufficient adjoining space is available to pull vehicles off the travel portion of the roadway.
- Consider other conductions that may pose a hazard.

The location to be used shall fulfill certain minimum requirements:

- A secondary screening are free from business and residential driveways, alleys and intersecting streets or highways
- Well drained all weather roadways and parking areas
- Reduced opportunity or avoiding or escaping the checkpoint site.

At the conclusion of a checkpoint, the Traffic Supervisor shall complete the NOPD Roadside Safety Checkpoint Report.

PR514.3.2 SOBRIETY CHECKPOINT PROCEDURE

Prior to conducting the sobriety checkpoint, the checkpoint supervisor shall discuss and thoroughly explain to all officers participating in the operation, the following items:

(a) The goals of the roadside sobriety checkpoint.

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(b) The checkpoint location and the statistical data supporting the chosen checkpoint site.

(c) The need for safety for both the officers and motorists.

(d) The placement of personnel and traffic control devices which shall be in conformance with roadside sobriety checkpoint guidelines.

(e) A systematic approach to stopping the vehicles as they enter the checkpoint location.

(f) The supervisor should ensure that the sequence of vehicles being stopped is explained to and understood by all participating officers.

Supervisors shall have participating officers explain the purpose of the checkpoint to the motorists as they approach the vehicle.

(a) A uniform statement/question to the driver should be used, for example, "Good evening. You have been stopped at an NOPD sobriety checkpoint. We are utilizing checkpoints in an effort to detect and deter the impaired driver. Have you consumed any alcohol or controlled dangerous substances today?"

(b) If the driver's response is "no" and there is no other compelling reasons to detain the vehicle, the officer should permit the motorist to proceed.

(c) If the driver's response is yes, ask how much and when. Depending on the answers and other circumstances, the officer should determine if further investigation is warranted. If so, direct the driver to safely exit the vehicle and escort him/her to the designated area for further investigation. If not, permit the driver to proceed. At no time should a suspected impaired driver be allowed to remove his vehicle from the inspection location.

Officers should inspect the driver for the smell of alcoholic beverages or other drugs, bloodshot eyes, fumbling fingers, slurred speech, admission of drinking or drug use, abusive language, inconsistent responses, etc. Be observant of the interior of the vehicle for alcoholic beverage containers, drug paraphernalia or other contraband that are in plain view.

Those persons suspected of impairment should be subjected to the battery of Standardized Field Sobriety Tests. If impairment is obvious and the blood alcohol level (BAC) is low or does not equate to the level of impairment observed, a Drug Recognition Expert (DRE) should evaluate the subject or be consulted according to policy.

A Supervisor should arrange for the transportation and further testing of subjects, preferably not to interview with the continuance of the checkpoint if the Bat (Breath Alcohol testing) Mobile is not readily available.

PR514.3.3 SAFETY BELT AND CHILD RESTRAINT CHECKPOINTS

Safety belt and child restraint checkpoints shall be conducted at a time and location designated by the Traffic Commander, or his/her designee.

Officers shall explain the purpose of the checkpoint to the motorist upon approaching the vehicle.

In addition to issuing citations for violation of La.R.S. 32:295 or 32:295.1, officers may distribute educational material encouraging future use of safety belts and child restraints. This information can be received from the Department of Public Safety and nearby Troops.

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PR514.3.4 INSURANCE VIOLATION CHECKPOINTS

Insurance checkpoints shall be conducted at a time and location designated by the Traffic Commander, or his/her designee.

Officers shall explain the purpose of the checkpoint to the motorists as they approach the vehicle.

Drivers shall be asked to present proof of compulsory insurance as required by La. R.S. 32:863.1. If such proof is not provided, the driver shall be issued a Notice of Violation (NOV), DPSSP 6615.

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Traffic Citations

PR516.1 GENERAL

Traffic affidavits issued by a commissioned officer are generally processed by traffic court as follows:

(a) the violator pleads not guilty and receives a court date

(b) the violator opts to either: reports to the Violations Bureau, mails a payment, or goes on the CNO Website and pays a fine

(c) the violator is ordered to appear in court with a stepped up trial date

(d) the violator is physically arrested for the offense and the affidavit is processed by the Sheriff.

A commissioned member of the Department can use his/her discretion and give a verbal warning to a driver observed violating a traffic law provided:

(a) the violation is not serious in nature

(b) the driver and vehicle do not pose a danger to the public

(c) the officer believes a warning is sufficient to correct the observed violation.

An officer shall be fair, impartial, and courteous during a traffic stop, and take the necessary action in a firm and positive manner. An officer citing an individual for a traffic violation shall check the violator through "MOTION," and take appropriate action if an arrest warrant was issued. The traffic citation form has three copies. The original is white. The second copy is a blue non-perforated copy and remains in the ticket book as the officer's copy. The third copy is a hard white copy, given to the violator. An officer can write remarks about the traffic stop on the back of the white copy below the judge's signature line. The issuing officer can write up to four observed violations on one traffic affidavit. Each violation listed counts as an affidavit issued.

PR516.2 TRAFFIC LAWS

Laws governing drivers and equipment on public roads are generally contained in the Municipal Code and Louisiana Revised Statutes (Chapter 32). Some state criminal statutes also apply to motor vehicle incidents whether they occur on water, public roads or on private property. Examples are:

(a) La. R.S. 14:32.1 - Vehicular Homicide;

(b) La. R.S. 14:39.1 - Vehicular Negligent Injuring;

(c) La. R.S. 14:98 (et seq) - Operating a Vehicle While Intoxicated;

(d) La. R.S. 14:99 - Reckless Operation of a Vehicle; and

(e) La. R.S. 14:100 - Hit-and-Run Driving.

Operators charged with the below violations shall be arrested and processed in accordance with La. R.S. 32:57 (Penalties, Alternatives to Citation) and La. R.S. 32:411 (Deposit of License in Lieu of Security Upon Arrest):

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(a) all Title 14 traffic offenses; i.e., La. R.S. 14:98 (DWI), La. R.S. 14:99 (Reckless Operation), La. R.S. 14:100 (Hit and Run Driving); or

(b) driving with a suspended, revoked, or canceled operator's license.

PR516.3 TRAFFIC COURT

If a violator is arrested, the arresting officer shall set a traffic court date for the next court day. Court divisions and times of appearance are determined by the time of arrest as indicated below:

- 11:00 p.m. to 2:59 a.m. - Division "A" 8:00 a.m.
- 3:00 a.m. to 11:59 a.m. - Division "B" 9:30 a.m.
- 12:00 p.m. to 3:59 p.m. - Division "C" 2:00 p.m.
- 4:00 p.m. to 10:59 p.m. - Division "D" 2:00 p.m.

PR516.4 CONFISCATION AND NON-CONFISCTION OF DRIVER'S LICENSE

An officer confiscating a violator's driver's license in lieu of posting a bond shall sign the citation in the appropriate blank and give the cited individual a temporary operator's license. A violator's license will be confiscated when he/she is cited for:

(a) driving while intoxicated (See Chapter 61.5, DWI Procedure)

(b) failing to maintain compulsory security insurance.

For all other violations, the operator can sign the affidavit/summons as a guarantee he/she will appear in court in lieu of physical arrest. The operator maintains possession of his/her license. An officer shall not issue a temporary operator's license if the violator is accused of not having a valid operator's license, or operating a motor vehicle with a suspended or revoked license.

When issuing a citation for violations which do not result in the confiscation of the violator's license, the officer shall amend the traffic citation as follows:

- the words "TEMPORARY OPERATOR'S LICENSE" shall be lined through
- the words "VOLUNTARILY SURRENDERED MY DRIVERS LICENSE" shall be lined through and replaced with the words "SIGNED THIS CITATION"
- a violator refusing to sign the citation shall be arrested.

PR516.5 JUVENILE VIOLATORS

Juvenile violators will be notified of the date and time of their court appearance by a representative of Juvenile Court. The block "to be notified" shall be checked off on the citation. This procedure will also apply if there is a physical arrest.

PR516.6 COMPACT AND NON-COMPACT STATES

Drivers from Compact and Non-Compact States are issued citations as outlined above.

PR516.7 IMMUNITY

Members of the Louisiana Legislature and the Louisiana delegation to the United States Congress are immune from prosecution/arrest for traffic offenses while en route to or from legislative or congressional activities.

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Foreign nationals are normally immune from criminal prosecution provided proper identification credentials issued by the State Department are presented to the investigating officer. The below Foreign Nationals are immune from prosecution:

- Ambassadors, ministers, and members of their families who are not nationals or permanent residents of the United States
- Administrative and Technical Staff of a foreign mission and members of their families who are not nationals or permanent residents of the United States
- Consular Officers

PR516.8 MILITARY PERSONNEL

Military personnel are not required to have a current operator's license if he/she can present a current, valid military identification card. Officers shall process active duty members of the military in accordance with normal policy.

PR516.9 OFFICER'S RESPONSIBILITIES

When issuing a traffic citation, officers shall advise a traffic violator of the following:

- the court arraignment date located at the bottom of the citation
- he/she must appear at the Traffic Court Violations Bureau to pay the fine, or enter a plea of not guilty and receive a trail date on or before the arraignment date set by the issuing officer
- whether the offense requires a mandatory arraignment or if the citation can be paid by mail or online (i.e., 154:383 Careless Operation; 154:534 in excess of 20mph in a school zone). In instances where a mandatory court appearance must be made by the violator, the officer will take the operator's license and issue a temporary license at the bottom of the citation. The operator's license of the violator will be attached to the citation prior to submitted submission to a supervisor.
- the Traffic Court Violations Bureau telephone number located on the back of the violators copy and questions on court procedures can be answered by a court representative or going to the website printed on the rear of the citation.

Officers shall set an arraignment date thirty (30) days from the date of the issuance of the citation excluding holidays and weekends.

An officer shall make every effort to confirm a violator was issued a valid operator's license and the operator's license is valid, and not revoked, suspended, or canceled. If the license is not in his/her possession, the officer shall issue a written summons to the violator for violation of La. RS 32:411 (F), No License in Immediate Possession.

If the violator was not issued a valid operator's license, the officer shall cite the violator and issue a citation with a trial date set for 30 (thirty) calendar days in lieu of arrest. Individuals operating a motor vehicle with an expired operator's license shall be issued a citation(s) with a trial date set for 30 (thirty) calendar days

PR516.10 COMPLETING THE CITATION

The citation shall be completed using black ink with a ball point pen. Sufficient pressure should be applied to print on all carbon copies. All entries must be legible.

Citations shall not contain erasures, write-over, strike-outs, or any other corrective markings.

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The issuing officer shall complete all citations if more than one citation is used. The issuing officer shall enter his/her first and last name. Officers who are witnesses shall be listed on the rear of the court copy.

All blanks on a traffic citation shall be filled in.

The below standard abbreviations for race shall be used on all traffic citations:

- W - White
- B - Black
- I - American Indian/Alaskan Native
- A - Asian/Pacific Islander
- U - Unknown
- H , Hispanic

Officers shall print the words "none required" in the "Operator's License Number" section of the form if the violator is a passenger, or if the observed violation does not require the violator to have an operator's license.

Officers shall enter item numbers in the appropriate location on the citation, if one was assigned.

Officers shall ask the violator if he/she is in possession of a citation previously issued to him/her and if an appearance date was issued in Orleans Parish. If so the officer shall:

- record the previous ticket number in the appropriate location on the new citation
- use the same court appearance date for the new citation.

PR516.11 PROCESSING PROCEDURE

The issuing officer's supervisor shall check the citation for correctness, administer an oath, and instruct the issuing officer to sign and date the citation above the printed entry "Signature of Officer Administering Oath." Officers shall present traffic citations for processing at the end of his/her tour of duty.

Divisions, Units and Sections serviced by the ticket processor shall have the citations and receipts (N.O.P.D. Form # 130) completed in accordance with a schedule established by the ticket processor. Divisions, Units and Sections not serviced by the ticket processor shall forward the citations and receipts to the Commander of the Ticket Processing Unit on a daily basis. Form # 130 shall be completed as follows:

- each classification of offense shall have a separate receipt
- adult moving citation receipts shall be listed on a receipt separate from juvenile moving citation receipts, etc;
- of the four separate classifications for traffic violations, only one category will be checked off per page
- all entries on the top of the form shall be printed, with the completing officer supplying his/her badge number.

Officers shall issue a new citation to replace a citation that is returned because of an omission, legibility, or other correction. A citation shall not be edited once the violator received the summons portion of the affidavit.

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A Form 40 is distributed used for citations containing errors. Three alternatives are possible:

- Voiding Citations - Citations can be voided for serious errors. Examples are the violator signed the citation in the wrong location, an incorrect ordinance number was written, or the location of the violation is incorrect.
- Reissuing Citations , A citation shall be reissued if the issuing officer misplaces the citation.
- Citations Processed As Is - Citations shall be processed "as is" for minor errors on the citation. Examples would be transposed numbers in the arrest credit or officer's unit number.

PR516.12 IMPAIRED AND IMCOMPENTENT DRIVERS

Officers who suspect the condition of a operator of a motor vehicle might prevent him/her from exercising reasonable and ordinary care while operating a motor vehicle, shall complete DPSMV 3005 (R 8/95) "Report of Driver Condition or Behavior" and transport the driver to a safe location. The officer can also contact a concerned party to provide transportation and make arrangements to pick up the vehicle. The vehicle shall be impounded if there are no other reasonable alternatives. **THIS SECTION DOES NOT APPLY TO DRIVERS SUSPECTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.**

The issuing officer's Commander or his/her designee shall forward the completed DPSMV 3005 report to the Records and Identification Division. The Records and Identification Division is responsible for forwarding the forms to the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles.

PR516.13 CONSULTING WITH THE CITY ATTORNEY

If an officer consults with the City Attorney, the officer shall:

- see the clerk in one of the sections of Traffic Court
- complete the affidavit in the presence of the City Attorney if advised by the City Attorney to do so
- present the affidavit to the City Attorney for signature
- present the completed and signed affidavit to the section clerk of traffic court for processing

Officers shall not use this procedure in lieu of reissuing citations because they have to be returned for errors and/or corrections.

PR516.14 CITATIONS ISSUED FOR INSURANCE VIOLATIONS OR NO LICENSE PLATE

Officers shall include the entire VIN number in the space provided so the Judge can confirm the vehicle is properly insured. The violation for no proof of insurance shall be written in the violation section:

- La. R.S. 32:863.1 - No Proof of Insurance, VIN #654321 (indicating last six numbers of the vehicle being operated without insurance).

The citing officer will enter the entire Vehicle Identification Number on the citation, after the vehicle has been checked for stolen if the driver cannot provide a license plate for the vehicle. Example: 154-307 No license place, VIN #123BN567BA123456.

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An officer who verifies through NCIC a person is wanted by Orleans Parish Municipal or Traffic Court shall follow the policy guidelines contained in Policy 421 "Failure to Appear."

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Chapter 6 - Investigation Operations

Investigation and Prosecution

PR600.1 DEFINITIONS

Major crimes will include, but not be limited to:

Aggravated Battery (serious injury or condition)

Aggravated Burglary

Aggravated Kidnapping

Armed Robbery

Arson

Children as Victim/Witness

Homicide

Police Involved Shooting

Sexual Assault

Suicide

Unclassified Death

PR600.2 INSTRUCTIONS

When responding to a major crime scene, the first officer(s) to arrive on the scene shall have several (primary) defined responsibilities which include:

(a) attending to the victim(s) and initiating necessary action to save that individual's life and to protect the well-being and safety of witnesses and others;

(b) identification and apprehension of the criminal offender responsible for the act;

(c) protection of the physical evidence contained in that scene; preservation of witness interview evidence; and

(d) analysis of the scene to determine what support services will be required, including the need for additional officers, crime scene technicians, and detectives.

PR600.2.1 ATTENDING TO VICTIMS

In the event a victim of a major crime is transported to a hospital for treatment, an officer shall be assigned to accompany the victim 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. The ranking officer shall immediately assign an officer to accompany the emergency medical unit, or meet the victim upon arrival at the hospital, to conduct an interview as soon as possible. In the absence of available patrol personnel in the district of occurrence, the supervisor shall secure immediate assistance from another patrol district.

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In cases other than a homicide, should the victim(s) be uncommunicative because of medical reasons, the follow-up investigator from the District Investigative Unit (DIU) will be responsible for checking on the status of the victim(s) daily. Should the victim's condition improve to the state that he/she is capable of being interviewed, the assigned DIU investigator shall proceed to the victim's location and conduct an interview.

PR600.2.2 CHILDREN AS VICTIM/WITNESSES

In the event a child is the victim of a major offense and has been injured, the child will be transported to the hospital and the Child Abuse Unit shall be notified.

In the event the child needs to be transported to the Child Advocacy Center, the Child Abuse Unit will immediately notify the Department of Children and Family Services. The Department of Children and Family Services will contact the on-call worker. Upon arrival of the on-call worker, he/she will take custody of the child victim and transport the child to the Child Advocacy center.

In the event of an emergency, wherein the child is a witness, the child can be transported by either the officer on scene or by a member of the Child Abuse Unit.

Should the parent or guardian of the child be the perpetrator, the responding officer will transport the child to the Juvenile Section and complete a Protective Custody report. A member of the Juvenile Section will assist the officer with contacting the Department of Children and Family Services (DCFS) immediately. The DCFS working will obtain an order of protection requesting the child be placed into State Custody.

PR600.2.3 APPREHENSION OF OFFENDERS

Officers shall only arrest an individual where the officer has probable cause.

When making an arrest, NOPD officers shall not rely on information known to be materially false or incorrect. Officers may not consider race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity when making an arrest, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.

PR600.2.4 EVIDENCE OF OFFENDER (CLOTHING)

If an apprehension of the criminal offender is effected, the arresting officer shall consider that the clothing worn by the suspect may contain physical or trace evidence, or may be needed for purposes of identification by witnesses.

The assigned case detective shall determine whether such clothing shall be confiscated. As soon as replacement clothing can be obtained from the Central Lock Up or hospital, the suspect's clothing may be removed as evidence at the Central Lock Up or hospital.

If the clothing confiscated is for identification purposes only, the assigned detective(s) shall retrieve and package the items for delivery to the Central Evidence & Property Section.

If the clothing is to be processed for trace or physical evidence, a crime scene technician shall assist the assigned investigating detective 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. The assigned detective is responsible for requesting the items be tested.

Any clothing items confiscated shall be packaged individually.

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PR600.2.5 PRESERVATION AND PROTECTION OF PHYSICAL AND WITNESS EVIDENCE

The original responding officer(s) shall be responsible for safeguarding the crime scene and detaining any witnesses. The preservation of the crime scene area shall be coordinated through the use of crime scene banner tape, or other means accessible, to ensure the area of the crime is sealed. When feasible, the area shall be "double sealed" and should extend beyond the original crime scene no less than 350 feet. The crime scene shall be defined as the area which may contain physical and trace evidence. Such evidence may be readily visible, or made visible only through scientific collection methods.

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 technician is processing the crime scene.

(a) In all instances of Homicide scenes where the victim remains on the scene, the Homicide screens shall be utilized. It shall be incumbent upon each District Commander to implement a system where the Homicide screens are made readily available for use at all times.

Officers shall not handle evidence or enter the scene unnecessarily. Such tampering and entry may damage, alter, or destroy evidence. Any evidence which must be moved or relocated, such as a firearm near a suspect, shall have its recovery location documented for the investigative report. It shall not be later repositioned to the scene for photographic purposes.

If a victim is moved, such as when transported by Emergency Medical Services technicians, the first responding officer(s) shall be responsible for noting the position of the victim's body on the scene, and recording if anything was removed from the victim's clothing or person, until arrival of the assigned case detective.

Witnesses shall be separated whenever possible, to ensure accurate preservation of their individual witness 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. Because the case investigation shall be the responsibility of a detective, the in-depth detailed statements and interviews shall be performed and coordinated by the assigned detective.

The investigating officer or follow-up investigator will be responsible for the retrieval of any pellets, bullets, fragments or related evidence from the hospital, when it is made available by the medical facility.

The investigating officer will make every effort to 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.

PR600.3 SUPPORT SERVICES NEEDED AT A CRIME SCENE

Upon receipt of a complaint call classified as a "major crime", the Communications Division shall dispatch the appropriate number of field units. In all cases, a ranking officer in the district of occurrence shall be dispatched to the crime scene simultaneously.

In any incident where a responding officer(s), upon arrival, verifies an incident is a "major crime", he/she shall have responsibility to cause the following notifications immediately:

(a) the District Investigative Unit;

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(b) the Scientific Criminal Investigations Division (S.C.I.D. Crime Scene Technicians);

(c) the Public Affairs Office - For dissemination and coordination of media personnel on the scene (if needed); and

(d) any specialized unit required to be on the scene as per current procedure.

PR600.4 COMMAND AT A MAJOR CRIME SCENE

The first responding officer(s) shall be in initial command of the major crime scene and responsible for the duties and responsibilities as described above. The command of the scene remains accountable to the first responding officer(s) until a higher ranking officer, or the assigned case detective(s), verbally communicates he/she is assuming command of the scene.

The first responding officer(s) shall have the authority to restrict unauthorized entry to the scene by other department personnel not participating, or necessary in the investigation.

On a major crime scene, the detective(s) assigned to the case investigation are in command of all aspects of the scene investigation. Upon arrival, he/she shall coordinate the placement and assignment of uniform officers necessary for the investigation with the district ranking officer.

The assigned case detective(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 major 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.

PR600.5 MAJOR CRIME SCENE ROSTER SUMMARY REPORT (FORM #187)

The first responding Supervisor shall designate the crime scene perimeter boundaries, and assign an officer (Scribe) to record the names of all individuals who enter the scene, both before and after the perimeter has been established. The assigned Scribe shall obtain and record the names of police officers, ranking officers, Emergency Medical Services technicians, crime scene technicians, etc. until such time as he/she is relieved of the duty by a ranking officer or the case detective.

The "Major Crime Scene Roster/Summary Report shall be utilized by the Scribe assigned the responsibility of recording names of persons entering the crime scene. All members of this department shall provide their name, and may be required to produce identification if requested, to comply with this Roster/Summary Report.

Upon completion of the scene investigation, the Roster/Summary Report shall be given to the assigned case detective. It shall be included as an official document in the supplemental investigation report.

PR600.6 MAJOR CRIME SCENE OFFICER'S STATEMENT (FORM #188)

All officers assigned and / or responding to a Major Event scene are required to complete a Major Crime Scene Officer's Statement Form.

On Homicide scenes, the Homicide Rank, detectives and members of the Scientific Criminal Investigations Section (SCIS) working the case are not required to complete a Major Crime Scene Officer's Statement. The duties performed by them shall be documented in accordance with current Homicide procedures.

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Upon completion of the form, it shall be given to the officer named as the Scribe for the Crime Scene.

The scribe shall ensure all Officer Statement forms are collected and delivered to the lead investigator of the Crime Scene, before any Officers have departed the scene.

This form shall be maintained in the Case File and shall not be forwarded to the Record Room.

PR600.7 SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION (SCIS)

The technicians from the Scientific Criminal Investigations Section shall be responsible for the collection and proper packaging of evidence from a major crime scene. The technician shall collect identified evidence as requested by the assigned case detective.

The technician 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 technician shall assist in the packaging of such evidence.

Whenever collected evidence requires scientific analysis or comparison at the Crime Laboratory, Officers/Detectives shall utilize form SCIS Laboratory Request Form (Form 207) for the requested analysis.

PR600.7.1 COMPARATIVE SAMPLES

Specialized laboratory testing which requires comparative samples that must be obtained from a suspect at a later date, such as blood, hair, fingerprints, etc., shall be obtained through proper court order with the assistance of the District Attorney's Office. The assigned case detective(s) shall have the responsibility for coordinating the collection of these samples through the appropriate court recognized facility

PR600.7.2 CRIME SCENE AND LABORATORY REPORTS

The Scientific Criminal Investigations Division shall forward a report to the assigned case investigator upon completion of any requested laboratory analysis, including supplemental requests. Such reports shall be authored and forwarded whether the laboratory findings were positive or negative. This investigative lab summary shall become a part of the reporting package which shall be delivered to the District Attorney's Office for case screening by the assigned case detective. A copy of this report shall also be forwarded to the Records and Identification Division for inclusion as a supplemental report.

PR600.8 LINEUPS

Identification of suspects can be completed through a photographic lineup; physical lineup or identification of suspects at the crime scene. Refer to Policy/Procedure 610, Eyewitness Identification.

PR600.9 A-CASE OFFICERS - GENERAL INFORMATION

Each unit shall establish a case management database to manage the tracking of arrest cases. The database shall include the 701 release date. The following parameters shall be used for 701 release dates:

(a) Misdemeanor arrest - 45 days from the date of arrest if the subject is in custody and 90 days from the date of arrest if the subject is released on bond.

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(b) Felony arrest - 60 days from the date of arrest if the subject is in custody and 150 days from the date of arrest if the subject is released on bond.

All arrest reports submitted to the District Attorney's office shall be receipted. Under no circumstance shall an arrest report be left in the custody of the District Attorney's office without obtaining a receipt first.

When visiting the District Attorney's office, A-Case officers shall sign-in and sign-out during each visit.

PR600.10 A-CASE OFFICERS

A-Case officers shall create a case file for each state arrest. The case file shall include a tracking sheet to document the delivery and receipt of the arrest report from the platoon to the District Attorney's office. The A-Case officer shall document the tracking sheet with the dates and times for all actions taken in presenting the case file to the District Attorney's office.

The arrest report, including supplemental reports, shall be submitted to the District Attorney's office within seven days from the date of arrest, excluding weekends and holidays. The buck sheet should be attached and submitted at this time. A buck sheet should be generated for each A-Case. This form should be retrieved by the A-case officer from the District Attorney's office and retained in the case file.

Upon consulting with the District Attorney's office, the A-Case officer shall obtain a receipt for each arrest report submitted. The receipt shall be placed in the case file along with a buck sheet. A copy of the receipt and buck sheet shall be forwarded to the A-Case officer's commander for disposition. Upon completion of the disposition of the case file by the Commander, a copy of the receipt and buck sheet shall be forwarded to the arresting officer(s).

If an arrest report is kicked back from the Screening District Attorney, the A-Case officer shall document the reasons and the date the arrest report was given back to the platoon for additional information. The kicked-back report shall be returned to the A-Case officer within 5 days of its return to the platoon for corrections.

A-case reports shall not be left at the District Attorney's office without first receiving a Screening Action Form (SAF) receipt for the report. No reports shall be left with a screener without obtaining a receipt.

Narcotics case screening will be expedited. All narcotics cases shall be presented to the District Attorney's screener within 24 hours of being received by the A-Case officer. Crime lab reports will not be required until the case has been screened and accepted by the District Attorney's office. Any crime lab reports that are required shall be supplied directly by the Crime Lab.

PR600.10.1 DAILY CASE MANAGEMENT

The A-Case officer shall check the "ARRI" (arrest inquiry generated by the MOTION system) for all arrest cases. This information shall be used as a basis to enter the information into the A-Case officer's database.

Cases shall be brought to the District Attorney's office daily for screening purposes.

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PR600.10.2 WEEKLY CASE MANAGEMENT

If an arrest case is not submitted within the prescribed seven days, the A-Case officer shall send an email to the district/division commander notifying him/her of the delinquent reports.

On the last day of the week, an email shall be sent to the district/division commander to advise him/her on the status of all unreceipted reports.

When other units or division are required to submit a report of their findings, an email shall be sent to:

- Crime Lab Commander
- Other Division/District Commanders; or
- Other agency report processing units.

The A-Case officer shall check the District Attorney's delinquent list for arrest cases older than ten days. The A-Case officer shall research the case item number through the DART and/or Docket Master System to determine the status of the case and verify if the case belongs to his/her district/division or another district/division.

(a) If the case belongs to another district/division, the A-Case officer shall notify the district/division of his/her findings.

If a case has not been completed and receipted by the District Attorney's office within 30 days, the A-Case officer shall notify his/her commander. The appropriate Bureau Deputy Superintendent shall be notified by departmental correspondence no less than 15 days prior to the 701 date.

PR600.11 EXPEDITED CASE LOG

Each district shall maintain the expedited case log on all state arrests in which the State of Louisiana is the victim.

The log is updated weekly. This list contains the first and last name(s) of the arrested subject(s), date arrested, date case was forwarded to the D.A. for review, the days it took to send the case off and any comments concerning the case.

The Expedited Case log and the D.A.'s acceptance rate (A-case stats) are due every Tuesday in the FOB Office.

If a case has not been completed and receipted by the District Attorney's office within 30 days, the A-Case officer shall notify his/her commander. The appropriate Deputy Superintendent shall be notified by departmental correspondence no less than 15 days prior to the 701 date.

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Asset Forfeiture

PR606.1 GENERAL INFORMATION

Revisions to Louisiana Revised Statute (La. R.S.) 40:2601 et seq. mandate obtaining a court ordered **seizure warrant within 72 hours (excluding holidays and weekends) of actual or constructive seizure** of money or property. Failure to obtain a seizure warrant within the prescribed time period forever negates the ability of the Department to pursue forfeiture proceedings against the money or property seized.

The revisions further state the seizing agency (New Orleans Police Department) must notify the Orleans Parish District Attorney's office of said seizure within 10 days of the seizure. The method of notification is to be a completed incident report.

The primary function of the Asset Forfeiture Section is to monitor any property or assets likely to qualify for forfeiture under Federal Statute USC 21 Article 881 et. seq., La. R.S. 40:2601 et. seq. or any other Federal or State statute permitting the forfeiture of assets corroborated with criminal activity defined by the statues.

No property, money or assets with a value below $1,000.00 will be confiscated by members of the New Orleans Police Department for seizure under La. R.S. 40:2601 et. seq. Property, money or assets below the $1,000.00 threshold may be confiscated as evidence of an investigation, but no forfeiture proceedings will be made.

The assets which most often give rise to forfeiture are U.S. currency and property. Property shall include real property, jewelry, and conveyances (i.e., automobiles, water-craft, airplanes, motorcycles, etc.) In order for conveyances to be acceptable for forfeiture, they must meet the following criteria.

(a) Generally be in good condition.

(b) Be approved for seizure by the Commander of the Narcotics Major Case or his/her designee.

(c) Not susceptible to a substantial lien which renders the asset unsuitable for seizure.

PR606.2 INSTRUCTIONS AND RESPONSIBILITIES - UNITS OTHER THAN ASSET FORFEITURE

Any officer investigating any narcotics related incident whereby currency or property is located and deemed potentially suitable for confiscation, with a value in excess of $1,000.00, shall immediately notify his Supervisor and advise the Supervisor of the facts surrounding the potential seizure. When the Supervisor agrees upon the suitability for potential seizure of the currency or property, the Supervisor or his/her designee shall contact the Asset Forfeiture Section (A.F.S.) via the Command Desk.

An Asset Forfeiture Agent will respond to the scene for any seizures in excess of $10,000.00.

An Asset Forfeiture Agent shall contact the investigating case officer, and provide assistance to the investigating case officer with processing the seizure portion of the investigator's case. At his/her discretion, the Asset Forfeiture Agent may elect to meet the investigating case officer on the scene to assist with the on site interview of subjects, determine assets suitable for seizure, etc.

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The investigating case officer remains responsible for all aspects of the seizure portion of the case, unless specifically relieved of handling the seizure by the consulting Asset Forfeiture Agent.

The investigating officer shall check all property being seized to determine if the property has been stolen.

In those cases where the Asset Forfeiture Agent elects to meet the investigating case officer on the scene, it shall be the responsibility of the investigating case officer to maintain control of the scene and prevent any suspects, witnesses, or other non-law enforcement personnel from leaving the scene prior to the arrival of the Asset Forfeiture Agent.

The investigating case officer is responsible for maintaining the separation of assets directly connected to individuals under investigation from other property. Assets not directly connected to individuals are also to be kept separated. Under no circumstances are assets from differing individuals or differing sources to be mixed together.

Any assets not specifically connected to an individual should be left in place, pending the arrival of the Asset Forfeiture Agent. These assets should not be moved, unless exigent circumstances force the investigating case officer to do so. If moved, assets should retain their identification integrity.

In those cases where the Asset Forfeiture Agent elects not to meet the investigating case officer on the scene, it shall be the responsibility of the investigating case officer to interview suspects, witnesses, and other non-law enforcement personnel on the scene. These interviews should achieve the following goals:

(a) Determine ownership of the property considered for confiscation.

(b) Determine suitability for confiscation under La. R.S. 40:2601 et. seq. This determination should be made in consultation with the Asset Forfeiture Agent.

(c) Process all property to be confiscated under the guidelines outlined in this policy.

(d) Proceed with the seizure portion of the investigation, maintaining awareness of the time restrictions placed on seizures under La. R.S. 40:2601 et. seq. This includes, but is not limited to, obtaining a Seizure Warrant (if applicable) within seventy two (72) hours of constructive seizure and notification of the District Attorney's office within ten (10) days of the seizure by delivery of the completed incident report.

(e) Complete Asset Forfeiture Checklist

PR606.3 INSTRUCTIONS AND RESPONSIBILITIES - ASSET FORFEITURE SECTION

The Asset Forfeiture Section will be responsible for handling all non-arrest seizure incidents, reported as a Signal 21-S (Seizure). The investigating case officer shall be responsible for securing the scene pending the arrival of the Asset Forfeiture Agent, utilizing the guidelines set out in this chapter. The investigating case officer shall provide the Asset Forfeiture Agent any and all information leading to the discovery of the assets, and any information which would be beneficial regarding the seizure of the assets. On Asset Seizure Cases (Signal 21S) cases, all assets are to be listed as evidence on the property receipt form, with the notation "Hold for Asset Forfeiture" boldly written on the slip.

It is not necessary to effect an arrest or have probable cause to make an arrest in order to have a civil forfeiture or seizure. The only probable cause necessary is the substantial

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connection between the asset to be forfeited and the criminal activity defined under La. R.S. 40:2601 et. seq. or Federal Statute USC 21 Article 881 et. seq.

Under no circumstances shall the investigating case officer depart the scene of the seizure before the arrival of the Asset Forfeiture Agent, or the Asset Forfeiture Agent may elect to nullify the seizure proceedings. Any such nullification will be reported to the Commander of the Special Investigations Division, for review.

In all cases involving an arrest, the investigating case officer is responsible for the arrest portion of the investigation. However, the Asset Forfeiture Section will be responsible for handling the seizure portion of all arrest & seizure incidents.

In any case where the investigating officer discovers potentially seizable assets valued over $10,000.00 the case officer will contact the Asset Forfeiture Section via Command Desk immediately upon identifying the potential major seizure case. The officer will secure the scene as outlined above, pending the arrival of the Asset Forfeiture Agent.

In all circumstances where the investigating case officer determines an investigation is likely to lead to a major seizure case (defined as any seizure of more than $10,000 in assets), the investigator shall contact the Asset Forfeiture Section and establish an A.F.S. case with an assigned A.F.S. Agent. The A.F.S. Agent shall conduct a preliminary background investigation and be present when the investigating case officer conducts operations that are likely to involve:

(a) the execution of a search warrant,

(b) the execution of an arrest warrant

(c) or anticipates action which would likely lead to an arrest and/or the confiscation of the assets.

The Asset Forfeiture Section shall coordinate all training requests through the Academy to all District Investigative Units, and any other unit upon request. This training shall be designed to facilitate investigating case officers in the handling of the seizure portion of their investigations.

The Asset Forfeiture Section shall assume responsibility in all cases where the complexity of a case goes beyond a normal seizure investigation. Such a case would overwhelmingly prohibit the investigating case officer from performing his/her primary duty function of uniform patrol, detective level investigation or undercover investigation. Determination for A.F.S. adoption of a case under these guidelines to be determined by the investigating case officer, the A.F.S. Agent assigned to assist on the case, and the Commander of the Asset Forfeiture Section.

PR606.4 CONFISCATED CURRENCY AND/OR PROPERTY

Whenever currency is confiscated by an investigating case officer or A.F.S. Agent, the currency shall be counted by the investigating case officer and the A.F.S. Agent in a secured location. In cases where no A.F.S. Agent is on the scene, the investigating case officer and a Supervisor will count the currency in a secured location. The investigating case officer, A.F.S. Agent and/or Supervisor shall use an alternate location if the scene cannot be secured for counting. Every effort shall be made to count the seized or confiscated currency in the presence of the possessing party.

The Asset Forfeiture Agent or seizing officer shall determine the amount of currency, complete a receipt for the currency, and note the amount on the receipt in the following

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manner - "Currency counted as $xx.xx amount." The A.F.S. Agent/seizing officer shall sign the receipt, acknowledging the amount of confiscated currency. If circumstances permit, the possessing party shall also be asked to sign the receipt. If the possessing party refuses to sign the receipt, the A.F.S. Agent/seizing officer shall note on the receipt "Refused to Sign". A copy of the completed receipt should be included in every report. The possessing party, whether or not he/she claims ownership of the property, should receive a copy of the receipt.

A confiscated property questionnaire for seizures under $10,000.00 should be completed by the investigating officer. Seizures over $10,000.00 shall be completed by the Asset Forfeiture Agent. This form assists in the identification of the owner if on-scene ownership is denied. It also precludes later claims of ownership. It simplifies notifications of impending forfeiture which need to be made to anyone having an interest in the property involved. This questionnaire should be made a part of the incident report.

In cases where property is confiscated, the A.F.S. Agent/seizing officer shall complete a receipt for the property, including a description. The A.F.S. Agent/seizing officer shall sign the receipt, acknowledging the confiscated property. If circumstances permit, the possessing party shall also be asked to sign the receipt. If the possessing party refuses to sign the receipt, the A.F.S. Agent/seizing officer shall note on the receipt "Refused to Sign". A copy of the completed receipt should be included in every report. If the possessing party claims ownership of the property, the possessing party shall also be supplied with a copy of the receipt.

The confiscated currency and/or property shall be turned over to Central Evidence & Property (C.E. & P.) and secured in a self sealing evidence bag, which will be obtained at C.E.& P. The evidence bag shall be filled out with the pertinent case information by the A.F.S. Agent/seizing officer. Each evidence bag will contain an individual number and will be noted on the evidence receipt. After securing and sealing the evidence bag, the A.F.S. Agent/seizing officer shall deposit the evidence bag in the Central Evidence & Property Division's mail box. The Asset Forfeiture Agent shall advise if the confiscated items are too large or will not be accepted at CE&P.

All property seized under an Asset Seizure (Signal 21S) with no arrest, should be placed in a self sealing evidence bag, which will be obtained at C.E & P., and identified as evidence on the C.E.& P. evidence receipt, and the words "Pending Forfeiture" written clearly and boldly on the evidence receipt.

In all cases where an A.F.S. Agent responds to the scene, whether or not the A.F.S. Agent adopts the case, the investigating case officer shall include the name and unit number of the A.F.S. Agent in the incident report.

PR606.5 CONFISCATED / IMPOUND OF VEHICLES FOR SEIZURE

The confiscation of vehicles, motorcycles or other conveyances are to be considered on a case by case basis. Under no circumstance is a vehicle or conveyance to be confiscated, impounded, or otherwise seized without prior contact with an A.F.S. Agent. Suitability for seizure must be established prior to constructive seizure. This policy does not supersede an officers ability to impounding a vehicle for evidentiary/search warrant purposes.

Once determination to seize has been established, the A.F.S. Agent will advise the investigating case officer where to have the vehicle brought. At a determined meeting location the A.F.S. Agent will take possession of the vehicle for safekeeping. Seized vehicles will be kept in a secured location, inaccessible to unauthorized personnel.

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Any property not to be seized and inventoried should be cleared from the seized vehicle prior to departing the seizure scene. For any vehicle to be impounded, it shall be the responsibility of the investigating case officer to inventory the vehicle and ensure all inventoried property is conveyed to Central Evidence & Property in accordance with Departmental policy.

Any vehicle, motorcycle, or conveyance relocated to any location without prior authorization from the A.F.S. Agent assigned to assist with the case shall nullify the seizure of the vehicle, motorcycle, or conveyance under La. R.S. 40:2601 et. seq. The impoundment of the vehicle will be considered an evidentiary impound only.

Under no circumstance shall a vehicle being seized be towed to any City of New Orleans impound location. Vehicles to be seized are not to be impounded in one of the secured Central Evidence & Property / Crime Lab vehicle stalls without prior authorization from a C.E & P. Supervisor.

PR606.6 CONSULTING WITH OUTSIDE AGENCIES

Whenever an officer effects an arrest for La. R.S. 40:2601 et. seq., relative to Possessing a Controlled Dangerous Substance Tax Stamp, the officer shall ensure that the original incident report is forwarded to the Asset Forfeiture Section.

The Asset Forfeiture Section shall be responsible for all necessary consultation with the State Department of Revenue and Taxation, pursuant to criminal and/or civil forfeiture and tax liens. No other officer, section or division shall initiate contact with the State Department of Revenue and Taxation, nor forward any reports or documentation (i.e. Marijuana & Controlled Dangerous Substance Report / Form R-5022) to said agency.

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Eyewitness Identification

PR610.1 LINEUPS

Identification of suspects can be completed through a photographic lineup; physical lineup or identification of suspects at the crime scene.

It is the policy of this department that:

- Line-up procedure shall be administered in sequential order (shown one photograph at a time and in random order).
- The officer creating the lineup shall not participate in the administering of the lineup.
- The officer administering the lineup shall not have any knowledge as to which photograph depicts the suspect in the investigation.
- Eyewitnesses shall be admonished that the suspect might or might not be present in the lineup.

PR610.2 PHOTOGRAPHIC LINEUPS

When creating a photographic lineup, officers shall use the suspect's photograph and five filler photographs. This information shall be recorded on the Individual/Photo Sequence Form (Form #277(b)). Should there be more than one suspect, a separate photographic lineup shall be conducted for each suspect. Each photographic lineup shall only contain the photograph of one suspect. Officers shall provide the witness with the set of photographs, advising them to review the photographs one at a time.

The following precautions shall be taken by an employee creating a photographic lineup:

(a) Selecting "filler" photographs, those that do not depict the suspect, of individuals who generally fit the witness's description of the perpetrator. When there is a limited or inadequate description of the perpetrator provided by the witnesses or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers shall resemble the suspect in significant features.

(b) At no time prior to, during or after the presentation of a photographic lineup shall it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.

(c) The position of the suspect's photo and filler photos shall be placed in a different random order for each witness.

(d) In order to avoid undue influence, witnesses viewing a photographic lineup shall do so individually and outside the presence of other witnesses. Witnesses shall be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

(e) An admonishment shall be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness is not required to make an identification.

The entire photographic lineup process shall be audio and/or video recorded reciting the information from the Eyewitness Identification Form (#277).

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The procedure employed and the result of any photographic lineup shall be documented in the case report. A copy of the photographic lineup presented to the witness shall be included in the case report. Witness comments of how certain he/she is of the identification or non-identification shall also be included verbatim in the appropriate report.

If the suspect is identified in the photographic line-up, the photographs used in the line-up shall be marked and maintained as evidence until the final disposition of the case, at which time it shall become a part of the permanent case file. The original photographic lineup shall be placed as evidence at Central Evidence & Property.

PR610.3 PHYSICAL LINEUPS

When it is determined that a physical lineup will be necessary, the investigating office shall contact the District Attorney's Office and request a lineup be scheduled. Officers shall request the presence of an Assistant District Attorney at the time a lineup is held, however, his/her presence is not required for the lineup.

Within twenty-four (24) hours after requesting a lineup, the investigating officer shall furnish the District Attorney's office with the following:

(a) a copy of the offense report;

(b) copies of all supplemental reports pertaining to the offense;

(c) completed copies of the Rights of Arrestee Form, if available;

(d) names, badge numbers and place of assignments of all officers involved; and

(e) names, addresses and telephone numbers of all victims and/or witnesses.

The Scientific Criminal Investigation Section (SCIS-Crime Lab) shall take photographs of the individuals in the line-up. These photographs shall be placed in evidence at Central Evidence & Property.

PR610.3.1 PHYSICAL LINEUPS-INSTRUCTIONS

The officer in charge of the lineup shall make arrangements with the Orleans Parish Sheriff's Office to furnish neutral persons for the lineup. Witnesses, victims, investigating and/or arresting officers shall be notified of the date, time and place of the lineup. NOTE: All physical lineups shall be held in the Showup Room located within the first floor of the Headquarters parking garage. If required, transportation will be furnished to insure timely attendance of victims and witnesses.

No less than five neutral persons shall be placed in the lineup with each suspect. The persons shall be of the same race, and approximate age, height, weight, and dress of the suspect.

The suspect may be required to put on spectacles or sunglasses, a coat, hat, or other clothing which may have been used in the commission of the crime. He/she may be required to exhibit (within normal bounds of modesty) portions of the body normally covered by clothing. The suspect may be made to hold certain implements; to assume certain positions; or to speak the words which were uttered during the commission of the offense, provided each of the neutral persons does the same.

All persons in a lineup shall be identified by a number or letter, but not by name. Suspects shall be permitted to select their identifying number or letter.

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Nothing shall be said or done which might prompt a witness or victim to identify a particular person in a lineup.

Multiple witnesses and victims shall be kept separated at the lineup until each has made his/her own decision.

Witnesses and victims shall be directed not to speak out so others can overhear their comments. They shall be instructed not to ask questions of one another.

If a witness or victim requests to see a specific person again, that person shall be returned to the stage.

After the lineup is completed, the investigating officer shall question the witness(es) or victim(s) with regard to his/her identification of the suspect. The answers and any reasons the witness or victim may wish to give in support of his/her answers shall be audio recorded by the questioning officer.

If a victim or witness advised he/she will not attend a lineup, the District Attorney's Office shall be contacted and a request made to subpoena the individual.

Upon completion of the lineup, the person assigned to conduct the lineup shall prepare a supplemental report. The supplemental report shall contain the names, ages, heights, weights, and any unusual characteristics of all persons participating in the lineup as neutrals. Names, addresses, and ages of all witnesses and victims notified and attending the lineup shall be included in the report, regardless if an identification was made or not.

Written statement shall be taken from victims or witnesses who positively identify a suspect.

The New Orleans Police Department requires that the suspect's attorney or the Orleans Indigent Defenders Office be notified prior to a lineup being conducted in all cases, including those cases where acceptance of formal charges has not been made by the District Attorney's Office.

If charges have been accepted and the suspect requests representation and has an attorney, the attorney shall be advised a lineup will take place. An agreement is to be reached as to the time and date of the lineup. If, after having agreed to represent the suspect at the lineup, and the attorney does not appear, the lineup shall be conducted, but only after the following steps have been taken and documented:

(a) An attempt shall be made to contact the attorney to determine the reason for his/her absence. If contacted and he/she advises they cannot attend, the attorney shall be advised the lineup will be conducted despite his/her absence.

(b) An attempt shall be made to secure an attorney or other unbiased person as a witness to attest to the fairness of the lineup conducted. The lineup shall be conducted whether or not such unbiased person can be located.

(c) Should the suspect's attorney object to his/her client being placed in a lineup, the attorney shall be notified a lineup shall be conducted and advised of the date, time and location of the lineup. Refusals to attend, objections to, and nonappearance of attorneys shall be made part of the officer's supplemental report.

The suspect's attorney shall have permission to question a victim or witness only with the victim's or witness's consent.

Color photographs shall be taken of all lineups.

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PR610.4 IDENTIFICATION OF SUSPECTS AT CRIME SCENES

Fairness in the identification procedure as well as in the actual confrontation between the suspect and victim/witness shall be required.

Officers shall refrain from making any suggestive movements or statements at the time of the identification process. If the witness or victim is hesitant in identifying the suspect, the officers shall include that fact in the report.

When initiating a field identification, the officer shall observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

If a witness positively identifies an individual as the perpetrator, offices shall not conduct any further field identifications with other witnesses for that suspect. In such instances, officers shall document the contact information for any additional witnesses for follow-up. Any physical items the suspect may have in his possession which can be identified by the victim/witness, such as clothing, stolen items, etc., and which may be used in the prosecution of the subject shall be confiscated by the officer.

In instances where the victim/witness cannot/does not identify the suspected perpetrator, this information shall be documented in the report. Officers shall include the name of the suspected perpetrator, date of birth, address and the location the show-up was conducted.

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Chapter 7 - Equipment

Department Owned and Personal Property

PR700.1 GENERAL

Employees shall obtain individually issued property from the section or division authorized to issue such property.

If an employee has no further use for individually issued department property, they shall promptly return the property to the section or division from which it was issued.

When ordered to do so, employees shall promptly return any individually issued department property.

PR700.2 EMPLOYEES RESPONSIBILITY/FINANCIAL RESPONSIBILITY

Employees shall take reasonable precautions to prevent the loss, theft, or damage of Departmental property and of police identification, police uniforms or uniform parts, and firearms. If a vehicle has a locking trunk the property shall be secured in the trunk. If a vehicle does not have a locking trunk the property shall be secured in a locked glove box or locked console within the interior of the passenger compartment. If there is no functional locking mechanism, the property shall be concealed from plain view and secured in the locked passenger compartment. (i.e.: trucks, SUVs, vans).

Employees shall cause only authorized repairs to be made on any Department property.

PR700.3 REPORTING DAMAGE OR LOSS

The immediate supervisor shall make three (3) copies of the incident report and forward one (1) copy to his Commanding Officer, one (1) copy to the Division Commander of the Division responsible for issuing the damaged/lost equipment, and one (1) copy to the Director of Fiscal Management Section.

With the loss or theft of Department radio equipment, one additional copy of the report shall be forwarded to the Assistant Superintendent of the Management Services Bureau. The Communications Services shall be notified immediately in all cases of lost police radios.

With the loss or theft of Department firearms, Electric Control Weapon (E.C.W.), or Body Armor, the Supervisor shall forward one (1) additional copy of the report to their respective Assistant Superintendent.

Motion System (TTY) Bulletins shall be sent for the loss/theft of the following department property:

- Badges and/or official Department identification
- Radio equipment, including phones
- laptops
- Firearms
- Electronic Control Weapons
- E.C.W. Cameras

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- E.C.W. Cartridges
- Body Armor

PR700.4 INDIVIDUALLY ISSUED DEPARTMENT PROPERTY: RECORDS

The issue and return of individually issued department property shall be permanently and centrally recorded in the Motion system PROP program. The Commander/Director of the issuing section or his/her designee shall enter into PROP all property issued to or returned by an individual employee. Issuing sections or divisions shall also maintain a property log, bearing a complete description of the issued property, date of issue, date of return, and the signatures of both the issuing employee and the receiving employee. A copy of the issuing and return receipt shall be supplied to the employee.

If there is any question as to whether property was issued or returned, the signed receipt shall provide final authority.

PR700.4.1 INDIVIDUALLY ISSUED DEPARTMENT PROPERTY: RESIGNATION, TERMINATION OR RETIREMENT

The employee shall obtain from his/her Commanding Officer an individual property record, (PROP) listing all Department property for which he/she is accountable. The employee shall obtain a Form #67 (Department Property Issue / Return Form), and hand-carry a copy of his/her property record as each individually issued item is returned. Employees receiving the returned property shall sign and date the record to indicate the property has been returned in good working condition on a Form #67 which can be found under the "Forms" tab at www.nopd.org. If Department property is returned in other than good working condition, the employee receiving the property shall record this fact on the Form #67. The employee receiving returned damaged property shall also indicate the repair or replacement cost of the damaged property on the Form #67.

Upon completion of the return of all individually issued Department property, the employee shall hand-carry the Form #67 to the Human Resource Management Division.

If the employee is to be assessed for lost or damaged property, he/she may either make a direct payment or may have the amount deducted from their paycheck.

The employee's final paycheck shall be withheld until restitution is made for the lost or damaged property.

PR700.5 SEARCH OF DEPARTMENT OWNED PROPERTY

All supervisors may request New Orleans Police Department property and city owned property be searched at any time. The search of the property may include, but is not limited to:

- Police Department/City owned vehicles;
- All department property;
- All department desks; or
- All department lockers.

Every reasonable effort shall be made to conduct the search in the presence of the employee who is responsible for or assigned the property. When the employee is not available, the search shall be conducted in the presence of one of the employee's

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supervisors. If a criminal investigation is being conducted, members of the Public Integrity Bureau shall be notified prior to the search of the property.

PR700.6 MONITORING CONVERSATIONS

Department offices, work areas, telephones and vehicles may be electronically recorded and/or monitored only with the prior written consent of the Superintendent of Police and only for the security of department operations and the verification of a suspicion an employee is violating department rules, policies, procedures or orders.

PR700.7 INVENTORY CONTROL OF DEPARTMENT PROPERTY, EQUIPMENT, AND OTHER ASSETS

The Deputy Superintendent of the Management Services Bureau is designated as the Fixed Asset Coordinator and is responsible for maintaining a master inventory of all Departmental property and equipment with a value of $500 or more and which has a useful life of at least one (1) year, per CAO Policy Memorandum No. 48 (R). The Fixed Asset Coordinator shall be responsible for coordinating physical inventory, ensuring new purchases are tagged and recorded, and transfers are properly recorded.

To assist the Fixed Asset Coordinator, the Director of Fiscal and Human Resource Management shall ensure the fiscal management staff orders and obtains inventory forms and City property tags from the Department of Finance, Bureau of Accounting, when purchasing items valued at $500 or more and with a useful life of at least one (1) year. Additionally, they shall ensure the tags are appropriately affixed to the items and a copy of the inventory forms forwarded to the Fixed Asset Coordinator to be included in the master Departmental inventory.

The Fixed Asset Coordinator shall record and update additional information such as condition, useful life, maintenance requirements, and warranty data.

Items not to be inventoried include items such as office supplies, paper, pens, files folders, etc.

Completion of the Police Inventory Control form (form 37), which can be found under the "Forms" tab at www.nopd.org, is required for receiving, transferring, declaring surplus, or reporting the change of the physical location of items already tagged.

- Part I shall be completed on all forms. For each item, complete Part II, III or IV, as appropriate.
- Part II of the form shall be used for new purchases received, and items presently in use but not on inventory.
- Part III of the form shall be used for declaring items surplus (only the Assistant Superintendent of the Management Services Bureau, designated as the Fixed Asset Coordinator, or the Director of Finance for the City of New Orleans can declare items surplus). Lost or stolen items and items destroyed (accidentally or through criminal conduct) shall include the report and item number.
- Part IV of the form shall be used for items originally assigned to one Bureau, Section, etc. and are being transferred to another Bureau, Section, etc. Only complete the section that pertains to the item. If any information is unknown, in the blank write UNKNOWN. If the employee is not sure of the information leave it blank.

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PR700.7.1 USE OF INVENTORY CONTROL TAGS

All Inventory Control Tags shall be placed in a location of easy access and visibility.

Items too small to affix an Inventory Control Tag shall, when possible, be engraved with the tag number. The tag shall be placed on a copy of the Police Inventory Control Form which shall be maintained on file in the unit responsible for the item(s).

In cases where the Control Tag cannot be affixed and the item cannot be engraved a copy of the Inventory Control form shall be forwarded to the Deputy Superintendent of the Management Services Bureau (Fixed Asset Coordinator) and to the Assistant Superintendent in command of the unit, section, or division where the item is utilized.

PR700.7.2 COMMANDER'S RESPONSIBILITIES

All commanders shall receive an inventory computer printout every six (6) months, by location. This printout shall be checked against all inventoried items located under their command. Any item not appearing on either printout and/or not able to be located shall be noted and an interoffice correspondence generated. The correspondence, with a description of the items not noted on the printout and/or not located, shall be forwarded to the Deputy Superintendent of the Management Services Bureau or his/her designee. Any items that are not located and/or not accounted for shall be documented as per this policy/procedure.

All commanders shall receive an internal monetary asset report every six (6) months, by location, of all monetary assets under their command. This printout shall include, but is not limited to, all "Buy Money" within the narcotics unit, all vending machine accounts, and all grant equipment purchased as well as where this grant equipment is currently located. All commanders will request a printout of all equipment purchased with grant monies from the Grants Unit and all narcotics "buy money" allocated to his/her command from Major Case Narcotics every six months to coincide with this internal monetary asset report. Should there be any significant discrepancies in the asset inventory report, the Deputy Superintendent of the Public Integrity Bureau shall be notified and determine if an investigation should be initiated.

Upon any change of command, the new commander shall receive a computer printout and an inventory shall be made regardless of the time since the last inventory.

Upon any change of command, all commanders shall receive an internal asset report, by location, of all monetary assets under their command. This printout shall include, but is not limited to, all Fundraising monies, all Police and Justice Foundation monies, all "Buy Money" within the narcotics unit, and all vending machine accounts. In addition, all commanders shall receive an internal asset report on all grant monies received, spent, and equipment purchased as well as where this grant equipment is currently located. Should there be any significant discrepancies in the asset inventory report, the Deputy Superintendent of the Public Integrity Bureau shall be notified and determine if an investigation should be initiated.

Any item(s) appearing on the printout that is not under the control of the commander or at its location shall be documented in an interoffice correspondence. The correspondence shall indicate the disposition of the property, its present location, and condition, if known. Any items that are not located and/or not accounted for shall be documented as per this policy.

At announced intervals, employees of the Office of Compliance and/or Office of Inspections shall make an inventory survey. The completed inventory report shall be kept on file at the

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unit where the inventory is being completed. In addition, a copy of the completed inventory report shall be sent to the Deputy Superintendent of the Management Services Bureau where this report shall be reviewed and kept on file.

PR700.8 DUPLICATE KEYS-LOCKS

Requests shall be prepared in duplicate and submitted to the Management Services Bureau utilizing form 172 (Duplicate Key Request) which can be found under the forms tab at www.nopd.org. The form shall be completed in its entirety, including the reason for the needed service.

Requests for five keys or less, in any combination, may be approved by the Deputy Superintendent of the Management Services Bureau. Approved requests shall be forwarded to the proper unit within the Police Department for completion, or forwarded to the appropriate outside vendor. Disapproved requests will be forwarded by the Management Services Bureau to the requesting Unit/Division (through the chain of command) with an explanation as to why the request was disapproved.

Requests for more than five keys in any combination, a request to change the combination of a safe, or a request for the re-keying of locks shall be forwarded to the Deputy Superintendent of the Management Services Bureau for approval. Approved requests shall be forwarded to the proper unit within the Police Department for completion, or forwarded to the appropriate outside vendor. Disapproved requests will be forwarded by the Management Services Bureau to the requesting Unit/Division (through the chain of command) with an explanation as to why the request was disapproved.

In those instances where the changing of locks, mechanisms, combinations, etc. are approved by the Deputy Superintendent of the Management Services Bureau, Management Services Bureau shall provide and forward additional keys, or provide combinations, to the Superintendent of Police and the Deputy Superintendent of Police commanding the Units where the work was completed.

Commanding Officers are responsible for having duplicated keys to all Department offices, work areas, and vehicles under his/her supervision.

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Vehicle Maintenance

PR704.1 POLICE VEHICLES

Police vehicles being used for traffic enforcement shall be equipped as per Departmental policy.

Unmarked vehicles used for traffic enforcement shall be equipped with a functioning siren and emergency lights.

PR704.2 OPERATOR MAINTENANCE

An employee assigned to operate a city vehicle shall ensure all equipment is properly maintained and in good running order. The quality operations condition of the vehicle directly reflects on the department's appearance; determines availability and efficiency of the department's fleet; and significantly contributes to employees safety. Each employee assigned a department vehicle shall be responsible for inspecting and maintaining the basic factors necessary for safe vehicle operation. These include, but are not limited to:

(a) Fluid levels (oil, transmission, steering, brake, coolant);

(b) Tires/brakes (condition, spare tire availability);

(c) Hoses and belts (engine and seat belts);

(d) Electrical (lights, horn, battery, turn signals);

(e) Police emergency (radio, siren, spotlights, flashing lights, cage); and

(f) Overall cleanliness (interior and exterior).

The assigned driver shall check the vehicle for these maintenance factors at the beginning of the shift/duty assignment. This operator shall also monitor the operation of the vehicle during the shift for any reductions in vehicle performance, unusual noise, or equipment failure that will require corrective maintenance or repair. This repair or corrective action shall be coordinated through the City of New Orleans "Equipment Maintenance Division" at the designated facility.

PR704.2.1 SUPERVISOR'S RESPONSIBILITIES

District, section and unit commanders are ultimately responsible for the outward appearance and mechanical worthiness of all vehicles under their span of supervision.

Supervisory personnel shall inspect all vehicles used by subordinate personnel frequently to insure the proper operation of all components.

PR704.3 DAMAGE TO VEHICLES OR EQUIPMENT

(a) If a department vehicle or its equipment is damaged in an incident outside of Orleans Parish, the operator of the vehicle shall promptly report the incident to the law enforcement agency of that jurisdiction and request an incident report. The operator shall immediately notify the Command Desk of the incident, and provide the following:

1. operator's name and place of assignment;
2. his/her immediate supervisor or supervisor within his/her chain of command;
3. unit and A-number;

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4. the reporting agency's item number of the report;
5. location of the accident;
6. if injuries are involved;
7. if the vehicle can be safely driven back to Orleans Parish; and
8. the approximate travel time from Orleans Parish to the scene of the accident.

(b) The Command Desk shall, on accidents occurring out of Orleans Parish:

1. Generate an item number for the accident, supplying all pertinent information within the item number;
2. Contact an on duty supervisor from within the operator's chain of command, supplying him/her with the pertinent information;
3. If a supervisor within the operator's chain of command is not available, contact a supervisory officer from the district closest to the scene of the accident supplying him/her with the pertinent information; and
4. Arrange for towing of the vehicle back to Orleans Parish, if it is determined the vehicle is inoperable.

NOTE: It shall be the responsibility of all on duty supervisory personnel to investigate accidents involving city owned vehicles, where the operator of the vehicle is under their supervision.

Supervisory personnel assigned to investigate auto accidents out of the parish of Orleans shall determine the travel time to and from the scene of the accident. If, in the opinion of the supervisor, travel time is excessive, he/she shall contact his/her Bureau Assistant/Deputy Superintendent for instructions.

The Supervisor shall adhere to all provisions of the departmental regulation relating to drug and alcohol testing when an employee is involved in an auto accident. The supervisor shall include a copy of the completed S.A.T. 4 form, and his/her inspection of the vehicle in his administrative report of the incident.

Employees shall not interfere with an investigation being conducted outside of Orleans Parish.

Supervisors shall forward their Supervisory Reports through the chain of command to the Deputy Superintendent of the Bureau to which they are assigned and to the Deputy Superintendent of the Management Services Bureau.

PR704.4 ADMINISTRATIVE REPORTS OF TRAFFIC ACCIDENTS

When an operator of a department vehicle is involved in a traffic accident, he shall immediately notify the dispatcher and his supervisor or an on duty supervisor from his place of assignment. The dispatcher shall notify the appropriate accident investigator.

The supervisor shall conduct an administrative investigation of the accident and report the investigation on the Supervisor's Report of Accident. The supervisor shall complete a Report of Occupational Injury if necessary.

These reports shall be completed within 24 hours of the original incident. The supervisor shall send copies of the Supervisor's Report of Accident and the Report of Occupational Injury, if any, through the chain of command to the Deputy Chief of the Bureau to which the

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vehicle operator is assigned. The original (tan) report shall be forwarded to the Management Services Bureau, Risk Management Section.

The Risk Management Section of the Management Services Bureau shall forward copies of all necessary reports to the Accident Review Board within fourteen (14) working days.

PR704.5 INSPECTION OF DAMAGE

Within 48 hours of the incident, excluding weekends and holidays, the City of New Orleans, Equipment Maintenance Division, shall inspect ALL department vehicles sustaining damage.

Supervisors shall send operable vehicles and a copy of the supervisor's report of accident to the Equipment Maintenance Division, 3800 Alvar Street, telephone 941 4511, on the next Tuesday or Thursday following the incident, for a professional adjustment of the damage.

Supervisors shall have vehicles which are obviously unsafe or inoperable towed to the Equipment Maintenance Division as soon as possible after the incident. The vehicle shall be accompanied by a copy of the supervisor's report form.

PR704.6 VEHICLE INVENTORY REPORTING

To regulate and account for the department's vehicular inventory, any change in vehicle status (e.g., changes in assigned driver, budget code, marked or unmarked status) shall be reported utilizing the Vehicle Inventory Reporting Form (Form 106).

Commanders are responsible for ensuring the accuracy of their vehicle inventory.

To ensure proper entry of take home vehicle account numbers in T.R.I.P. for Personal Use Charges, particular attention should be paid to the accuracy of take-home vehicle inventories.

PR704.7 ALTERATIONS TO VEHICLES

Vehicles designed to be altered or reconfigured other than for their manufactured purpose shall be processed as follows:

(a) The Management Services Bureau shall prepare correspondence directed to the manufacturer of the vehicle outlining the modifications to be made. The correspondence will include the year, make, model, VIN number, and mileage of the vehicle to be modified.

(b) All aftermarket add-on equipment and manufacturer optional equipment will be listed.

(c) The purpose for which the vehicle will be used shall be outlined including any special modifications for weather conditions, road conditions, and off road use. If the vehicle is to be used to transport people, this fact will be included.

(d) All equipment used to modify the vehicle shall be listed by type, brand name, and model number. This includes parts and/or processes supplied by the manufacturer of the vehicle as well as aftermarket suppliers.

(e) The vendor who will perform the work shall be listed. If the work is to be performed by technicians employed by the City of New Orleans, it will be listed also.

(f) The correspondence will request that the manufacturer study the proposed modifications and issue a response outlining the road worthiness of the vehicle after modification. The correspondence will also request recommendations from the

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manufacturer as to all modifications needed to alter or reconfigure the vehicle to their standards, for the use desired.

(g) Modification or reconfiguring of any vehicle will not be authorized until a response has been obtained from the manufacturer.

(h) Under no circumstances shall a vehicle be modified or reconfigured where the manufacturer indicates such modification will render the vehicle unsafe for operation or its passengers.

PR704.8 SPECIAL PURPOSE VEHICLES

Divisions, Sections, and/or Units desiring the use of a Special Purpose Vehicle not under direct control of their Bureau Chief shall submit a request through their chain of command to the Bureau Chief in control of the equipment outlining date(s), time(s), and circumstance(s) for which the vehicle is needed. If approved, the Division requesting the use of the vehicle shall supply the qualified personnel needed for the operation of the equipment. If the requesting Division has no qualified personnel to operate the equipment, the Bureau Chief where the vehicle is assigned shall supply the qualified personnel for operational purposes only.

Due to the uniqueness of each special purpose vehicle, each Bureau Chief will ensure a list is kept outlining supplies and equipment to be kept on each vehicle. Periodic inspection of all special purpose vehicles will be made to ensure all supplies and equipment are accounted for and in proper working condition.

Divisions, Section and/or Units desiring the use of a Special Purpose vehicle not under direct control of their Bureau Chief shall submit a request through their chain of command to the Bureau Chief in control of the equipment, outlining date(s), times(s) and circumstance(s) for which the vehicle is needed. If approved, the Bureau Chief requesting the use of the vehicle shall supply the qualified personnel needed for the operation of the equipment, the Bureau Chief were the vehicle is assigned shall supply the qualified personnel for operations usages only.

PR704.8.1 SWAT EQUIPMENT VEHICLE

The SWAT equipment vehicle shall be used for the transport of special equipment to and from SWAT scenes. Use of the vehicle shall be limited to SWAT roll response as authorized by the Superintendent of Police.

Operators of the equipment vehicle shall be department members assigned to the Special Operations Tactical Section and trained in the operation of a large truck.

Care and maintenance of the equipment vehicle is the responsibility of the members assigned to the Armory Unit.

The equipment required to be included in the SWAT equipment vehicle shall be the necessary SWAT equipment and gear as deemed appropriate by the Commander of the Tactical Section.

PR704.8.2 TOTAL CONTAINMENT VEHICLE (BOMB POD)

The Bomb Pod transportation vehicle is designed for the transportation of the Bomb Pod. The Bomb Pod shall be used only for the transfer of hazardous devices and explosives from the scene of an incident to a disposal area.

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Operators of the Bomb Pod transportation vehicle shall be members of the Special Operations Tactical Section Bomb Unit. Care and maintenance of the Bomb Pod transportation vehicle is the responsibility of the Bomb Unit of the Special Operations Tactical Section.

The Bomb Pod transportation unit shall be escorted by marked police vehicles at the front and rear positions when transporting hazardous devices. Overhead lights and sirens shall be utilized at all times during the transport.

PR704.8.3 MOBILE COMMAND POST

The Deputy Superintendent of the Field Operations Bureau shall maintain a Mobile Command Post vehicle for the purpose of delivering command and control services for law enforcement activities at locations other than headquarters. The Mobile Command Post may be utilized in field locations at events such as natural disasters, hazardous material situations, festivals, special events, parades, etc. The Mobile Command Post may provide a base of operations for supervisors at such locations to coordinate activities.

Authorization for the deployment of the Mobile Command Post shall come from the Deputy Superintendent of the Field Operations Bureau, or his/her designee.

Operators of the Mobile Command Post shall be authorized to do so by the Deputy Superintendent of the Field Operations Bureau, or his/her designee. Individuals must possess the proper licensing as may be required by the City of New Orleans, State of Louisiana, or Federal Government.

The Special Operations Tactical Section is responsible for the maintenance and upkeep of the Mobile Command Post.

PR704.8.4 ALL-TERRAIN VEHICLES

An all-terrain vehicle is any vehicle which is designed and built to be able to negotiate multiple terrains without modification to the vehicle. The purpose of these vehicles is to provide the department with equipment capable of performing on multiple terrains.

The Special Operations Tactical Section shall maintain any all-terrain vehicles utilized by the New Orleans Police Department. These vehicles shall be used at the discretion of the Deputy Superintendent of the Field Operations Bureau, or his/her designee, in support of any police action which may benefit from their use.

Requests to use an all-terrain vehicle shall be directed to the Commander of the Tactical Section of the Special Operations Tactical Section.

Operators of all-terrain vehicles shall be commissioned members of the New Orleans Police Department and attached to the Special Operations Division.

Operators of all-terrain vehicles shall receive training commensurate with manufacturer's requirements, in addition to any governmental licensing that may be required.

All-terrain vehicles shall be equipped to provide sufficiently for the safety of the officer(s) utilizing the vehicle. This equipment could include police radio(s), fire extinguisher(s), telephone(s), etc. as required and allowed.

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PR704.8.5 MARINE UNIT (ALL WATER VESSELS)

The purpose of all marine units shall be to provide marine support for all police actions requiring such support. Authorization for use of water vessels shall be received from the Deputy Superintendent of the Field Operations Bureau or his/her designee.

All water vessels operated by the New Orleans Police Department shall be under the control and supervision of the Marine Unit.

Water vessels shall only be operated by Marine Unit personnel unless expressed permission is obtained from the Deputy Superintendent of the Field Operations Bureau, or the Commander of the Special Operations Tactical Section.

All Marine Unit personnel shall be trained in boating safety and laws pertaining to the operation of motor vessels on local waterways.

Water vessels shall be used in situations where water depth is adequate and the conditions are deemed safe by the Marine Unit officer operating the vessel.

The Marine Unit Equipment Officer shall be responsible for the care and maintenance of the equipment assigned to the vessel. It is the responsibility of the operator of the vessel to inspect for proper function prior to its operation. The Equipment Officer shall be immediately made aware of any malfunction or damage to the vehicle.

PR704.8.6 MOTORCYCLES

Motorcycles shall be used to provide officers with an efficient means of conducting traffic operations. This could include traffic enforcement, traffic control, or traffic escorts.

Only personnel specifically trained in the operation of department motorcycles by the Special Operations Traffic Section shall be allowed to operate motorcycles owned or leased by the New Orleans Police Department. Additionally, operators shall maintain any governmental licensing that may be required.

Requests for motorcycle support for police actions shall be made to the Communications Section Command Desk. The Command Desk shall then contact the on-duty or on-call Special Operations Traffic Section supervisor or Special Operations Tactical Section supervisor as may be appropriate.

Requests for specific traffic enforcement shall be made to the Commander of the Special Operations Traffic Section via inter-office correspondence (Form 105).

Motorcycle escorts shall be coordinated through the Escort Section of the Special Operations Traffic Section.

New Orleans Police Department motorcycles shall be equipped with windshields, police decals, and operable emergency lights and sirens.

Motorcycles shall be maintained by the Special Operations Traffic Section. Repairs and maintenance of motorcycles shall be performed as necessary, and in conjunction with the Management Services Bureau as appropriate.

The Special Operations Traffic Section shall maintain a list of all officers trained in the operation of police motorcycles.

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PR704.8.7 SCOOTERS

Scooters shall be used to provide transportation for officers in situations which may prove difficult for automobiles.

Divisions which have scooters in their fleet shall use said scooters in whatever capacity provides the best tactical situation. Scooters shall not be used when it is deemed by the appropriate supervisor to be dangerous to the officer due to inclement weather, road conditions, etc. The use of scooters by a division, section, or unit shall be authorized by the Deputy Superintendent of the Field Operations Bureau.

Scooter operators must complete scooter training prior to being allowed or assigned to operate a scooter. This training will be coordinated by the Field Operations Bureau in conjunction with the Special Operations Division Traffic Section. Additionally, operators shall maintain any governmental licensing that may be required.

Scooter maintenance shall be the responsibility of the unit to which the scooters are assigned.

The Field Operations Bureau shall be responsible for maintaining a list of all officers qualified to operate scooters.

PR704.8.8 BICYCLES

Bicycles shall be used to provide transportation for officers in situations which may prove difficult for automobiles. Additionally, bicycles provide officers with the opportunity to interact more closely with the citizenry.

Divisions which have bicycles in their fleet shall use said bicycles in whatever capacity provides the best tactical situation. Bicycles shall not be used when it is deemed by the appropriate supervisor to be dangerous to the officer due to inclement weather, road conditions, etc.

The use of bicycles by a division, section, or unit shall be authorized by the Deputy Superintendent of the Field Operations Bureau.

Bicycle operators must complete bicycle training prior to being allowed or assigned to operate a bicycle. This training will be coordinated by the Field Operations Bureau in conjunction with the Management Services Bureau.

Bicycle maintenance shall be the responsibility of the unit to which the bicycles are assigned.

The Field Operations Bureau shall be responsible for maintaining a list of all officers qualified to operate bicycles.

PR704.8.9 BUSES

Buses shall be used by the New Orleans Police Department for the transportation of employees to and from training, transportation of employees to and from work during periods of inclement weather, if appropriate, and the transportation of citizens and visitors to approved police department functions.

Buses shall be used upon the authorization of the Deputy Superintendent of the Management Services Bureau. Any requests for use of buses should be directed to the Deputy Superintendent of the Management Services Bureau.

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Buses shall only be operated by individuals approved by the Management Services Bureau who possess the proper governmental licenses.

The buses shall be maintained by the Risk Management Section of the Management Services Bureau.

A list of persons authorized to operate the buses shall be maintained by the Risk Management Section of the Management Services Bureau.

PR704.8.10 TOW TRUCKS

Any tow trucks owned or leased by the New Orleans Police Department shall be used for the purpose of towing evidentiary vehicles and police vehicles if the proper tow services are unavailable.

Tow trucks may further be used to gain entry into secured properties for the execution of search/arrest warrants.

The use of department tow trucks for towing of evidentiary vehicles or police vehicles requires the approval of the Commander of the Risk Management Section. The use of department tow trucks for gaining entry into secured properties for the execution of search/arrest warrants shall be authorized by the Deputy Superintendent of the Management Services Bureau.

Operators of the tow trucks must be properly licensed to do so.

The Risk Management Section shall be responsible for the maintenance and upkeep of any tow trucks.

The Risk Management Section shall maintain a list of all individuals authorized to operate the tow trucks owned or leased by the New Orleans Police Department.

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New Orleans Police Department
Procedure Manual

Chapter 8 - Support Services

Communications Operations

PR802.1 GENERAL INFORMATION

All conversations on New Orleans Police Department frequencies shall be restricted to that which is necessary to conduct the official business of the Department.

All employees shall initiate a radio transmission with their assigned radio number. All employees shall acknowledge a radio transmission with their assigned radio number and the plain language acknowledgment signal 10 4 indicating "message received".

The use of partial radio numbers, nicknames, or monikers is prohibited.

Employees shall maintain a courteous, professional demeanor in all radio transmissions. Employees shall not engage in disputes, arguments, or disagreements on the radio. Employees shall not use obscene language or degrading remarks on the radio.

Unless specifically relieved of duty by a ranking officer or unless otherwise limited by Department procedures, the dispatcher shall be responsible for controlling all field units assigned to a radio channel.

When code two (2) rolls are dispatched, units shall not utilize the radio frequency until sufficient units have acknowledged the roll, unless an emergency situation arises.

Supervisory personnel shall monitor radio frequencies to which their subordinate employees are assigned and take the appropriate action when deviations from this regulation are noted.

Nothing in this procedure shall prevent a ranking officer from instructing members under their command to switch to the designated radio channel, if the situation warrants.

PR802.1.1 PLAIN TALK

All employees shall use plain language/talk in lieu of the ten codes and/or signals when communicating over the radio. The only exception to this procedure will be the universally accepted ten code (10-4) indicating "message received".

PR802.2 PROHIBITED ACTS

The following actions are prohibited:

(a) transmission of superfluous signals, messages or communications;

(b) use of profane, indecent, or obscene language;

(c) willfully damaging or permitting radio apparatus to be damaged;

(d) maliciously interfering with the radio transmissions of another unit;

(e) making unidentified transmissions;

(f) transmitting before the air is clear and interfering with other transmissions;

(g) transmitting a call signal, letter, or numeral not assigned to the station or unit; or

(h) adjusting, repairing, or altering a radio transmitter, programming, talk group profile, or a radio's Logical identifier (LID). Only authorized members of the New Orleans Police Department's Electronics Section may make adjustments or repairs.

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PR802.3 EMERGENCY RADIO TRANSMISSIONS

Activation of the emergency button causes the following to occur almost simultaneously:

(a) The radio microphone becomes active for several seconds, allowing the person activating the button to reach his push to talk (PTT) button and begin verbally declaring the emergency.

(b) All other active (turned on) radios tuned to the talk group are alerted an emergency has been declared and those radios will receive the transmission from the activating radio. The one exception is the radio on the talk group that was transmitting at the time the emergency button was activated. That radio will begin receiving the emergency transmission as soon as its PTT button is released.

(c) Audio and visual alarms are received in the Communications Services alerting them to the emergency activation.

(d) If the talk group the activating radio is tuned to is being monitored by a dispatcher, the dispatcher will also receive the emergency transmission.

(e) All radios tuned to that talk group will continue to indicate a declared emergency until it is cleared from the Communications Services.

Existing procedures, including signals and codes, for the verbal declaration of emergency situations remain the same. The emergency should be verbally declared on the appropriate talk group as with any other radio transmission. The activation of the emergency button is only authorized when the talk group the person wishing to declare the emergency on is busy with another transmission and the person cannot wait until the talk group is clear.

Should such activation be required, the person activating should immediately utilize his PTT and begin verbally declaring the emergency in accordance with existing procedures.

Should such activation be accidental, the individual shall immediately notify the dispatcher and request cancellation of the emergency activation. The logical I.D. (LID) of the individual's radio will confirm to the dispatcher the radio used to cancel the emergency is the same used to declare it.

To ensure any such declaration of an emergency is heard and responded to, such declarations should (if possible) take place on talk groups monitored by a dispatcher.

Emergency declarations on talk groups not monitored by a dispatcher will only be heard by those individuals monitoring that talk group. The appropriate response or assistance requested may not be rendered.

Emergency activations which do not result in either a verbal declaration of an emergency or cancellation of same shall result in the following:

(a) The dispatcher assigned to that dispatch talk group shall call the individual assigned to the radio to determine the reason for the activation.

(b) If unsuccessful, the dispatcher shall notify both the Command Desk and the individual's supervisor on the talk group. If the individual's supervisor is not on the talk group, the Command Desk will be responsible for notifying the supervisor.

(c) The Command Desk shall also attempt to contact the activating radio by use of "Individual Call" to the officer's LID. This may be necessary should the activating radio be tuned to a non-dispatch talk group.

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If the above initial attempts by the Communications Services to resolve the emergency activation are not successful, it shall be the responsibility of the individual's supervisor to determine the reason for activation.

PR802.4 INTEROPERABILITY PATCHES

The Incident Commander has the authority to create interoperability patches and add any NOMIC agency to a patch. The NOMIC members are:

(a) Airport (Louis Armstrong Int'l)

(b) Louisiana State Police

(c) Border Patrol

(d) New Orleans Fire Department

(e) Causeway Police

(f) New Orleans Health Department (E.M.S.)

(g) Crescent City Connections (Bridge Police)

(h) New Orleans Police Department

(i) D.E.A.

(j) St. Bernard Fire Department

(k) St. Bernard Sheriff's Department

(l) Jefferson Parish Fire Department

(m) Jefferson Parish Sheriff's Office

(n) F.B.I.

(o) U.S. Customs

(p) U.S. Coast Guard

(q) Harbor Police

(r) Other VHF systems, Mutual Aid and phone patch is also available

With the current system, the police department is able to communicate by radio with public safety agencies in Baton Rouge through a link with the U.S. Coast Guard.

PR802.4.1 INITIATING A PATCH

To initiate a patch, the Incident Commander shall contact the Command Desk and request it done and name the other agency(s) to be connected. Command Desk will contact the other agency(s) and request authorization. Upon its approval, the Incident Commander will turn his/her radio to the designated radio channel to begin communicating. \

Any NOMIC agency requesting to be patched into an ongoing incident/patch should contact that Incident Commander for authorization to join. The request shall be made through the agencies' Communications Centers. The Incident Commander has the authority to grant or deny another agency joining the patch. Once an agency has been relieved or no longer wishes to be part of a patch, they will notify their Communications Center to be removed. The Incident Commander may also authorize an agency to be removed from a patch. NOPD Incident Commanders must contact Command Desk and make this request.

When communicating with other agencies, use clear text to reduce confusion and misinterpretations, no 10 codes or signals. Units must identify themselves by agency

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and number. An example is "NOPD 728 to FBI 455." Up to sixteen (16) agencies can be connected together on a single patch.

Radio transmissions over a NOMIC patch are not encrypted and can be monitored by the general public. When patched together, any agency may be recorded by another participating agency.

PR802.4.2 SPECIAL EVENTS/EMERGENCY EVENTS

During a large event, only ranking members in command and control, should transmit on the designated radio channel. Responding officers shall remain on their primary channel and await instructions from the Incident Commander.

For an event involving a small number of first responders, approximately 25 or fewer, all involved officers could work the event on the designated radio channel once a supervisor has consulted with the Command Desk for availability. Authorization from a supervisor shall be required to switch from a unit's primary channel to the designated radio channel.

NOTE: Any Spec channels (1 through 6) may be in use by other agencies (NOFD, EMS, or other approved outside agencies) at the time. Collaboration by the Incident Commander and the Communications Services Command Desk Supervisor could determine the clear designated channel to utilize.

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Records Release and Security

PR810.1 RELEASE OF RECORDS AND INFORMATION

Any person eighteen or older may inspect, copy, reproduce, or obtain a reproduction of any public record. Members of the department shall follow Chief Administrative Officer Policy Memorandum # 92 dated 12-23-91, and the Public Records Act.

The Superintendent designated the Deputy Superintendent of the Management Services Bureau as the "designee" responsible for the coordination, processing, and distribution of a public document request.

A department employee is prohibited from releasing to the public any public document unless authorized by the Superintendent or his/her designee. A request for documents must be forwarded, via 105 with receipt, to the Deputy Superintendent of the Bureau. The request must be sent through the chain of command on the same date the request is received.

The Deputy Superintendent of the Management Services Bureau, or his/her designee, shall make the necessary arrangements as required by law to allow for the:

- Inspection
- Copying
- Reproduction of the document(s)

Nothing in this policy prevents the exchange of information and documents between law enforcement agencies for the purpose of coordinating criminal investigations and other official communications. Commanders are authorized to release appropriate information to recognized and approved neighborhood crime watch and civic organizations for the purpose of fostering community involvement in crime prevention, through his/her chief.

PR810.2 SUBPOENA OF RECORDS AND INFORMATION

A Subpoena Duces Tecum issued by a court in civil suits/criminal actions shall be processed as follows:

- Employees receiving a Subpoena Duces Tecum (Order for Production of Records) shall forward a copy of the subpoena to the Deputy Superintendent of the Management Services Bureau on the date the subpoena was served.
- Any Subpoena Duces Tecum should be date stamped upon receipt by the Management Services Bureau.
- The subpoena shall be attached to an Interoffice Correspondence and include the date the subpoena was received, and a brief summary of the document(s) requested. The correspondence shall state if the document(s) requested are in the custody of the individual subpoenaed to produce it.
- The correspondence shall include a line to be signed by the individual accepting the subpoena and correspondence in the Management Services Bureau office.

The City Attorney shall be notified about a subpoena Duces Tecum when the:

(a) Subpoena is oppressive or cannot be completed

1. City is or may become a litigant in the lawsuit

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2. Custodian believes the subpoena should be reviewed by the City Attorney

(b) Person served with the subpoena is not sure if the document subpoenaed is a document defined as a public record

PR810.3 DTS VIEWER POLICY

Employees requesting access to the Department's DTS Viewer System must submit a 105, along with a completed NOPD DTS Request Access Form (Form 181), through his/her Deputy Superintendent, to the Management Services Bureau Deputy Superintendent. This request must be renewed annually.

Employees holding a position within the department requiring access to the DTS Viewer System shall complete a NOPD DTS Access Form before access is granted.

Once an employee having access to the DTS Viewer System is no longer in a position requiring access to the system, he/she shall immediately notify the Commander of the Record Room, via 105 or departmental email. The Commander of the Record Room or his/her designee shall block the employee from having access to the system.

The unauthorized distribution of reports and or information contained within the DTS Viewer System to any person(s), organization(s), or the media, is strictly prohibited.

The Record Room is the only unit authorized to complete document requests and collect funds when the document(s) or access to the document(s) is completed.

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Computers and Digital Evidence

PR814.1 DEFINITIONS

Consent - The consent document must contain language specific to both the seizure and future forensic examination of the computer, hardware, software or electronic media and data by a trained computer forensic examiner or analyst.

Data storage device - A device for storing data electronically. Such devices can include disk drives, memory cards, and USB flash drives.

Desktop computer - A personal computer small enough to fit in an individual workspace.

Faraday Bag - A faraday bag is a bag composed of radio signal deflecting material.

Hardware - Physical parts of a digital item such as a memory chip or hard drive.

Laptop computer - A portable computer suitable for use while traveling. Not to be confused with mobile device.

Mobile Device - A mobile device also referred to as a handheld device or handheld computer, are portable data devices which provide communications, digital photography, navigation, web access, personal information management, and data storage.

PCD - Personal Communication Device.

Peripheral - A device connected to a computer such as a monitor or printer.

Plain View - This exception to the warrant requirement only gives the legal authority to seize a computer, hardware, software or electronic media, but does not give the legal authority to conduct a search of this same listed electronic media.

Search Warrant - This is the preferred method and meets with the least resistance in court. This warrant typically focuses on two primary sources of information:

(a) Search and seizure of hardware, software, documentation, user notes and media

(b) Examination / search of seizure

Workstation - A computer with a higher performance level than a desktop computer. Usually part of a corporate or enterprise network and can be shared by multiple users.

PR814.2 FIRST RESPONDER AND INVESTIGATING OFFICER RESPONSIBILITIES

These steps assume that the officer or detective has the legal authority to seize the computer, hardware, software or electronic media with a signed warrant and/or given consent. If the officer or detective has not obtained the appropriate permissions in accordance with local and state law, the officer or detective shall obtain the appropriate permission prior to seizing the equipment and prior to forensic examination by the Digital Forensic Unit. Secure the area containing the digital equipment by:

Move all non-essential personnel from the crime scene or immediate area where the evidence is to be collected.

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Refuse offers of help or technical assistance from any unauthorized persons.

As a general rule of thumb, if the laptop or mobile device is powered off, leave it off; if the device is on, leave it on.

Isolate the device from communicating with any network:

For wired devices, photograph or note any network cables connected to the device then disconnect only the network cable from the device.

For wireless devices, place the electronic device in a faraday bag ensuring that the bag is completely closed. This will prohibit the device from communicating wirelessly.

If a faraday bag is not available, most metallic bags, such as an empty potato chip bag or aluminum foil will prohibit the device from accessing wireless networks. Once the bag is closed, do not reopen the bag or unwrap the aluminum foil.

If possible, photograph each seized item paying particular attention to the cables connected to the device and the serial numbers and other identifiers on the device. If photography is not possible, sketch and document the cables connected to the device and the serial numbers and other identifiers.

Consider non-electronic evidence on the device such as fingerprints, biological, or trace evidence and contact Crime Lab to analyze. This evidence shall be processed prior to the device being processed by the Digital Forensics Unit.

If there is an articulable reason to believe that the computer or mobile device is utilizing encryption mechanisms, authentication mechanisms, pass locks, pass codes, or other security features, the officer should consult with the detectives of the Digital Forensics Unit prior to seizing the electronic device.

If working with a surveillance system, the responding detective or officer shall attempt to download the video while on scene. Confiscation of a surveillance system should only be used as a last resort and even then, the risks greatly outweigh the benefits. If unable to obtain surveillance video while on scene, document the steps taken to obtain the video and contact the Digital Forensics Unit for assistance. It is important to note what steps were taken so that the Digital Forensics Unit can prepare the necessary equipment for extraction.

If the electronic device is on and there is no articulable reason to believe that data deletion software is active, photograph the computer screen or make note of the clock and any running programs or windows that appear to be open and running.

If the electronic device is powered on and, for confiscation, the electronic device must be turned off, such as a desktop computer plugged into a wall outlet, the investigator shall consult with the Digital Forensic Unit to determine the best method to secure such device.

If the electronic device is powered on, such a cellular phone, and will be placed in storage for any period of time, the investigator shall consult with the Digital Forensic Unit to determine the best method to secure such device.

Upon confiscating the electronic device, the investigating officer or detective shall complete the Digital Forensic Unit work request form to have the device processed by the Digital Forensics Unit. The following forms shall be used:

- Cellular/Mobile Device Work Request - Form 320

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- Video Work Request - Form 321
- Computer Work Request - Form 322

In order for the seized evidence to be examined by a Digital Forensic Examiner, the Digital Forensic Work Order shall be completed and attached to a copy of the applicable Search Warrant or signed Consent to Search.

PR814.2.1 PREPARING FOR TRANSPORT

If the device has a built in battery, leave the device running and preserve electricity to the device while transporting. Monitor the battery level of the device while transporting and restore electricity to the device upon arriving at the destination.

If the device does not have a built in battery, shut down the device following normal shutdown procedures. Do not open or examine any files on the device. Document the method used to shutdown the device. If data deletion could occur when shutting down the device, consult with the Digital Forensics Unit prior to shutting down the device.

Document each item confiscated.

Document any passwords, lock codes, pass codes, authentication steps, or encryption keys needed to gain access to the electronic device. This information can be obtained from the owners of the devices, technicians that manage the devices, or written on down on a piece of paper and stored near the device (in a drawer, taped under a keyboard).

In most cases when an electronic device is being used in criminal acts and is in the possession of the suspect, the device itself and all storage devices (hard drives, disk drives) should be seized along with all media.

Accessories such as monitors, keyboard, mouse, scanner, and manuals should not be seized unless as a precursor to forfeiture or for evidentiary purposes (obtaining fingerprints, biological, or trace evidence).

PR814.3 STORING ELECTRONIC DEVICES

Storage requirements for electronic devices vary depending on the type of device.

PR814.3.1 COMPUTERS

With the exception of the digital forensic unit, no member of the department shall conduct a search of the electronic contents of the device prior to delivery to the digital forensic unit unless articulable exigent circumstances exist. Conducting a search of the device, even something simple as powering the device on, will cause critical evidence to become overwritten.

If the computer is in a powered on state, there is a medium risk of losing data. The risk is increased if the computer is actively communicating with a network. In most cases, there is low risk of losing electronic data stored on a hard disk if the computer is in a powered off state.

It is important to note that a suspended state is not the same as a powered off state.

(a) A computer that is in suspended mode draws power to preserve items in volatile memory. When power is removed from the device while in suspended mode, data in volatile memory is lost. A computer in a suspended state might have a flashing power LED or the color of the LED might change from green or blue to amber.

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Some computers use a pass code, pass lock, or other authentication system to prevent unauthorized users from accessing the data on the device until a correct authentication key is provided. These mechanisms can be time or usage based.

(a) Some computers will automatically lock after a period of inactivity.

(b) Some computers will automatically lock if powered down.

(c) If possible, obtain the authentication key from the owner of the device.

1. If the owner of the device is unable to provide the key or the first responder is unable to determine if the device has a locking mechanism, contact the Digital Forensics Unit for additional instruction.

Once the computer is seized, follow current departmental guidelines for storing the evidence.

After seizure, complete a Digital Forensics Unit - Computer Work Request Form to have the device processed by the Digital Forensics Unit.

Deliver the computer and the work request form to Central Evidence and Property.

PR814.3.2 VIDEO AND SURVEILLANCE SYSTEMS

In most cases, there is a medium risk of losing data stored on a surveillance system while the system is powered on. The risk is increased to a high chance of losing data if the device is actively communicating with a network, is allowed to continue recording, or a significant amount of time elapses between the incident and the recovering of the video evidence.

Video and surveillance systems usually overwrite the oldest data first, however each surveillance system is unique and this might not always be the case. There is a greater chance of losing electronic data stored on a surveillance system while the surveillance systems is running as opposed to powered off.

The first responder and/or case detective shall attempt to obtain video from the surveillance system while on scene to ensure that video evidence will not be overwritten. If the first responder cannot obtain the video while on scene, document the steps taken to obtain the video and contact the Digital Forensics Unit for assistance.

If the first responder was successful in obtaining the surveillance video and the video is stored on removable media such as CD, DVD, of flash drive, follow current departmental guidelines for storing evidence.

After obtaining the video, complete a Digital Forensics Unit - Video Work Request Form to have the video processed by the Digital Forensics Unit.

Deliver the video and the work request form to Central Evidence and Property.

PR814.3.3 MOBILE TELEPHONES AND CELLULAR DEVICES

With the exception of the digital forensic unit, no member of the department shall conduct a search of the electronic contents of the device prior to delivery to the digital forensic unit unless articulable exigent circumstances exist. Conducting a search of the device, even something simple as powering the device on, will cause critical evidence to become overwritten.

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In most cases, there is a medium risk of losing data while the device is powered off and a high risk of losing data while the device is powered on. These risks can be mitigated using proper techniques.

(a) Mobile devices communicate with the carrier's wireless network constantly. Location data, such as that obtained from cell sites, overwrite as the device changes locations.

(b) Many newer smart phones include built-in functions to allow a user to remotely wipe or erase the device. As long as the device has an active internet connection, there is a possibility for the device to be erased cause all data on the device to be lost.

(c) The use of a faraday bag or placing the device in "airplane mode" is critical to the preservation of data on the cellular device.

Some mobile devices use a pass code, pass lock, or other authentication system to prevent unauthorized users from accessing the data on the device until a correct authentication key is provided. These mechanisms can be time or usage based.

(a) Some cellular devices will automatically lock after a period of inactivity

(b) Some cellular devices will automatically lock if powered down

(c) If possible, obtain the authentication key from the owner of the device

1. If the owner of the device is unable to provide the key or the first responder is unable to determine if the device has a locking mechanism, contact the Digital Forensics Unit for additional instruction.

A mobile device in a powered off state will use battery power to preserve times and dates. Although battery usage is low while powered off, a mobile device that sits for even a few days without being connected to external power has the possibility of resetting the times and dates on the device.

Unnecessary delay in delivering the device to the Digital Forensics Unit shall be avoided to prevent data loss on the device.

Once the cellular device is seized, follow current departmental guidelines for storing the evidence.

After seizure, complete a Digital Forensics Unit - Cellular Device Request Form to have the device processed by the Digital Forensics Unit.

Deliver the cellular device and the work request form to Central Evidence and Property, leaving the batteries in place and shutting the device off. Officers will be responsible for advising CE&P personnel the cellular device will be processed by the Digital Forensics Unit. This information shall also be documented in the incident report.

PR814.4 DIGITAL FORENSIC UNIT RESPONSIBILITIES

PR814.4.1 NEW CASES

Digital Forensics Unit detectives shall receive from the officer delivering the evidence the following:

(a) Search warrant to search the contents of the device, consent to search the contents of the device, or indicate why a search warrant or consent to search is not available

1. Search warrants will not be accepted by the Digital Forensics Unit if:

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(a) They are expired (ten day period from date of signing to date of execution by a Digital Forensics Unit detective)

(b) They are not written to search the contents of the device

1. A search warrant to confiscate or seize the device only is not enough to search the device

2. A search warrant to confiscate or seize the device is acceptable if, included on the warrant, is the verbiage to search the contents of the device

1. They are not signed by a judge

(c) These forms shall be attached to the work request form

(d) If a search warrant or consent to search is not available, indicate in the comments section of the work request form the reasoning for such absence.

2. Work request form for each device to be processed. Included on the form will be:

(a) The investigator's name

(b) The investigator's phone

(c) The investigator's departmental email address

(d) The investigator's supervisor

(e) The assigned DFU detective

(f) The date that the item was delivered

(g) The item number

(h) The signal

(i) The location of occurrence

(j) Description of the equipment

(k) Serial number of the equipment (if available)

(l) Data requested to be retrieved from the device

3. If the device to be processed

(a) Contains a biological hazard

(b) Contains non-electronic evidence to be processed at a later data

1. Evidence such as latent prints

4. The officer's signature on the work request form near the printed name

5. The officer's signature on the chain of custody form

PR814.4.2 STORAGE OF PHYSICAL EVIDENCE

Digital Forensics Unit detectives shall ensure that evidence delivered to the Digital Forensics Unit is locked and secured while in the custody of the Digital Forensics Unit. The use of enclosed storage lockers under lock and key is required while storing evidence that is not being actively processed.

Evidence shall be restricted from access by persons:

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(a) Not assigned as the investigator of the case

(b) Not assigned to the Digital Forensics Unit

(c) Not a supervisor of the Digital Forensics Unit

Chain of custody forms shall be used by the detectives. One form shall be used for each case. The form shall include the item number, date the evidence was delivered, date the evidence was released, the person who delivered the evidence, the person who retrieved the evidence, and note each item delivered. These forms shall be archived with the examiner's final report and filed with any other documentation relating to the case in a filing cabinet.

PR814.4.3 PROCESSING EVIDENCE

Digital Forensics Unit detectives (forensics examiners) shall process evidence using equipment accepted by the forensics community for obtaining evidence from electronic and data storage devices.

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Chapter 9 - Custody

Temporary Holding Facilities - Juvenile

PR900.1 ADULTS ARRESTED AS CHILD OFFENDERS

If it is determined an adult who has been arrested is posing as a juvenile, after the arresting officers have left the Juvenile Intake Unit, the Intake investigator shall be responsible for completing the requisite adult booking forms, generating the appropriate supplemental reports, and transporting the offender to Central Lockup.

The assigned Juvenile Intake Unit investigator shall be responsible for notifying the original arresting officer(s) of the booking. Copies of the reports and any affidavits completed shall be forwarded to the original investigating officer(s) within twenty-four (24) hours.

Consultation with the District Attorney and/or any court appearances shall be the responsibility of the original arresting officer(s), in accordance with current departmental procedure.

PR900.2 CHILD OFFENDERS ARRESTED AS ADULTS

Upon notification a juvenile has been arrested and brought to Central Lockup for processing as an adult, the Communications Division shall immediately notify the Juvenile Intake Unit.

An investigator from the Juvenile Intake Unit shall immediately proceed to Central Lockup, take custody of the juvenile, and transport him/her to the Juvenile Intake Unit for processing, if available. If not available, the Communications Section shall immediately dispatch a district unit to Central Lock-up. The Juvenile Intake Unit investigator shall contact the officer(s) conducting the investigation, obtaining copies of the reports made concerning the arrest. If an offense report has not been completed the investigator from the Juvenile Intake Unit shall contact the arresting officer, or the arresting officer's immediate supervisor, informing him/her a report is required. The report shall be completed without unnecessary delay and forwarded to the Juvenile Intake Unit.

The juvenile shall be processed as per current procedure relative to juvenile offenders.

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Chapter 10 - Personnel

Personnel Hiring Selection

PR1001.1 APPLICATION PROCESS

Each applicant will be required to submit an Employment Application to the New Orleans Civil Service Department if one is not on file.

The Employment Application will be verified and screened by a team comprised of selected members of the New Orleans Civil Service Department.

Only applicants who pass this screening and have the minimum qualifications will be admitted to the written test.

PR1001.2 SELECTION PROCESS

Once an applicant successfully passes the Civil Service written, the multiple choice, and the physical agility tests administered by Civil Service, that person will advance to the next phase, the applicant's name is placed on a certified register to Police Recruit or Police Officer I (Lateral) with other eligible applicants. The register is forwarded to the New Orleans Police Department (NOPD) Recruitment and Applicant Investigation Section The selection process for Police Recruit and Police Officer I (Lateral) is comprised of the:

(a) Background investigation;

(b) Computerized Voice Stress Analyzer (CVSA);

(c) Psychological examination; and

(d) Medical examination.

The NOPD working with Civil Service shall establish a standardized scoring system to be used by interview panelists. The scoring system shall be used to assess recruit applicants immediately following the applicant's interview. These assessment forms shall be maintained by the Recruitment and Applicant Investigation Section.

PR1001.3 BACKGROUND INVESTIGATIONS

A background investigation of each candidate will be conducted prior to appointment to probationary status. Generally, the investigation will be conducted after the Computerized Voice Stress Analyzer (CVSA) since the CVSA results can point out areas that will need special attention. The background investigation will not begin without an "AUTHORIZATION TO RELEASE INFORMATION" signed by the candidate. The background investigation, though costly and time consuming, is the most useful and relevant component of the selection process. Whenever practical, the investigation should be done in person. For example, the investigation should routinely involve a home visit with the candidate and his/her family, as well as interviews with neighbors. The background investigation will include but is not limited to the verification of the candidate's qualifying credentials, including:

(a) A review of criminal record, if any;

(b) Interviews with at least three personal references;

(c) Educational achievement;

(d) Employment;

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(e) Age;

(f) Residence;

(g) Citizenship;

(h) Military record review, if any;

(i) Civil Court Record checks and Law Enforcement Records checks of all areas where the candidate listed a residence;

(j) NCIC checklist - NCIC will check arrest records, driving history, vehicle information, etc; and

(k) Fingerprint car.

PR1001.4 COMPUTERIZED VOICE STRESS ANALYZER (CVSA) TESTING

Candidates who are scheduled for Computerized Voice Stress Analyzer (CVSA) testing will be provided with a copy of the questions used in the examination prior to the time of their examination.

For candidates to give their informed consent, it is reasonable for them to know the full nature and extent of the inquiry. Relevant questions that will have a bearing on the selection decision will allow for a better understanding of what is going to be asked of them.

PR1001.5 COMPUTERIZED VOICE STRESS ANALYZER (CVSA) OPERATOR CREDENTIALS

The Computerized Voice Stress Analyzer (CVSA) administering the examination and evaluating the results in the selection process shall have professional training and credentials in the use and interpretation of this investigative tool.

PR1001.6 ADVERSE COMPUTERIZED VOICE STRESS ANALYZER (CVSA) RESULTS

Computerized Voice Stress Analyzer (CVSA) examination results will not be the single determinant of employment status. The Computerized Voice Stress Analyzer (CVSA) is only an investigative aid. Together with other information, the Computerized Voice Stress Analyzer (CVSA) may be sufficient to support decisions relevant to employment status.

PR1001.7 CONDITIONAL OFFER OF EMPLOYMENT

The applicant who successfully passes the background investigation, and who receives acceptable recommendations from the Investigator, the Investigator's Supervisor, the Commander of Recruitment and Applicant Investigation Section and the Management Services Bureau Deputy Superintendent are then referred to Civil Service.

A Conditional offer of employment may be offered by the Superintendent of Police or his/her designee. Civil Service will contact the applicant to setup appointment times for psychological and medical evaluations. Upon successfully completing these evaluations, the applicant shall be offered a position with the NOPD.

PR1001.8 MEDICAL EXAMINATION

A medical examination of each candidate will be conducted prior to appointment to probationary status using valid, useful, and nondiscriminatory procedures. The purpose of the examination is to reveal any medical problems which may affect work performance or contribute to work related disabilities. The following examinations are generally performed for all sworn officers:

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(a) medical history;

(b) pre-Placement complete physical examination;

(c) blood test;

(d) comprehensive laboratory profile;

(e) resting Electrocardiogram;

(f) pulmonary Function;

(g) vision test;

(h) glaucoma screening;

(i) hearing test;

(j) chest X-ray EPA;

(k) x-ray -LSS-5-Views;

(l) CP, CBC, CRP 40170; and

(m) drug screening.

Only licensed physicians will be used to certify the general health of candidates. The City of New Orleans utilizes the services of Concentra Medical Center for all candidates. The comprehensive medical examination given to candidates recommended for hiring will include a statement from the physician(s) interpreting the results.

PR1001.9 PSYCHOLOGICAL EXAMINATION

NOPD shall develop and implement a system for psychological screening and assessment of all NOPD recruit candidates, and to set criteria to ensure that only individuals suitable for policing are accepted into NOPD Training Academy. Psychological assessments are needed to eliminate candidates who may not be able to carry out their responsibilities or endure the stress of working conditions. The assessments are conducted by a qualified psychologist and are comprised of the following elements:

(a) California Personality Inventory (CPI);

(b) Minnesota Multi phasic Personality Inventory - 2 (MMPI);

(c) Psychological History Questionnaire (PsyQ);

(d) Personal interview between the psychologist and the candidate; and

(e) If, based upon the evaluation of the CPI, MMPI PsyQ results, the psychologist concludes that additional screening is needed, the applicant is scheduled for an additional psychological interview.

Only qualified professionals will be used to assess the emotional stability and psychological fitness of candidates. The psychologist's final report will identify strengths and weaknesses of each candidate. The overall recommendation will reflect suitable or unsuitable for police work.

PR1001.10 PROBATIONARY PERIOD

All entry level sworn personnel will complete one year on probationary status before being granted permanent status.

All sworn personnel must successfully complete the Field Training Officer program.

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PR1001.10.1 PROBATIONARY PERIOD EXCEPTIONS OR EXTENSIONS

All other employees should refer to the New Orleans Civil Service Rules and Regulations for information about probationary periods. These rules are kept in the offices of the Personnel Director of the New Orleans Police Department and the Superintendent of Police. The Director of New Orleans Civil Service Department will be consulted concerning all extensions and exceptions to probationary status. Exceptions and extensions may be as follows but not limited to:

(a) all approved extended periods of leave, such as, sick and military;

(b) poor performance rating; and

(c) pending disciplinary action or significant disciplinary action prior to the end of the probationary period.

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Alcohol and Drug Use/Testing

PR1012.1 YEARLY DRUG TESTING (RANDOM)

Supervisors of the selected employee based off the random generated list of employees shall be advised of the employee's selection by the Office of Compliance. The supervisor shall instruct the employee to report to the testing location within sixty minutes of notification for the purpose of submitting a urine sample for substance abuse testing. Reserve employees shall report within twelve hours of notification. A representative from the Office of Compliance shall meet that employee at the designated testing facility or the completion of the required administrative documents.

Employees failing to appear within the allotted time may be subject to disciplinary action.

PR1012.2 PROBATIONARY AND PROMOTIONAL TESTING

Employees advised of a probationary or promotional drug testing shall report for testing at the testing location within sixty minutes of notification for the purpose of submitting a urine sample for testing. A representative from the Office of Compliance shall meet that employee at the designated testing facility for the completion of the required administrative documents.

Employees failing to appear within the allotted time may be subject to disciplinary action.

PR1012.3 REASONABLE SUSPICION DRUG TESTING

If a supervisor suspects an employee to be a Category III employee (reasonable suspicion of using drug and/or alcohol use while on duty), he/she shall submit a written report to the Public Integrity Bureau, outlining the reasons for the identification. The Office of Compliance shall be responsible for the administration and scheduling of all Category III employees.

PR1012.4 ACCIDENT/INJURY SUBSTANCE TESTING

Members of the department are responsible for reporting any accident and/or injury to their immediate supervisor.

Supervisors are responsible for ensuring the member is tested for any substance abuse and must prepare the applicable First Report of Injury form (Employer's Report of Occupational Injury or Disease, Form #WC 1007) and the Supervisor's Report of Accident (Form 210). If a ranking officer from the employee's chain of command is not available in a timely manner, a ranking officer from the district of occurrence shall be responsible for any incumbent substance abuse testing.

It shall be the responsibility of the supervisor to initiate N.O.P.D. Form SAT 4 when notified of an accident or injury. Employees shall print their name, employee ID number, and sign the form at the bottom left side. The form shall be completely filled out.

Supervisors shall accompany the employee to the testing facility where N.O.P.D. Form SAT 4 shall be presented to a company representative.

If the supervisor believes the operator of the vehicle is impaired (either through the use of drugs, alcohol, or possible injury), the supervisor shall not allow the employee to operate a motor vehicle.

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The representative shall make a copy of the form and return the original to the supervisor.

The supervisor shall ensure all paper work required by the testing site is completed by the employee and that the employee complies with all the testing procedures.

The employee shall be required to submit to a breath and/or saliva test, which tests for alcohol. If this test shows the presence of alcohol, the employee shall be required to submit a blood sample for blood alcohol testing.

If the saliva test is negative, a blood test is not required.

The employee shall also be required to submit a urine sample for drug testing.

Supervisors shall remain on site until testing is complete.

Upon completion, the supervisor shall deliver the original SAT4 form to the office of Compliance within 24 hours.

PR1012.4.1 ACCIDENTS OUTSIDE ORLEANS PARISH

If an accident involving a city vehicle occurs outside Orleans Parish, while on or off duty, supervisors shall include a copy of the completed S.A.T. 4 form and their inspection of the vehicle in their administrative report of the incident.

In instances where supervisory personnel do not make the scene of an accident occurring outside Orleans Parish, employees are responsible for submitting to a urine test immediately upon completion of the investigation by the outside agency.

(a) Employees shall report to the nearest N.O.P.D. police district, informing a supervisor that they were involved in an auto accident.

(b) Supervisory personnel from that district shall accompany the employee to the appropriate testing facility for the purpose of administering the S.A.T. 4 test. The S.A.T. 4 form shall be distributed as indicated, with an additional copy being forwarded to the tested individual's place of assignment.

(c) Supervisors from the employee's place of assignment shall be responsible for any additional administrative report requirements.

All N.O.P.D. employees shall receive medical attention when needed or requested before submitting to a substance abuse test.

When injuries dictate that an N.O.P.D. employee be taken to a hospital, most area hospitals are under agreement with the City of New Orleans to collect urine and blood for administrative substance abuse testing. The supervisor shall inquire at the hospital if blood and urine will be collected for substance abuse testing. If the hospital refuses to collect blood and urine for substance abuse testing, the supervisor shall transport the employee to the testing facility for substance abuse testing after the required medical treatment is received.

PR1012.4.2 EMPLOYEES INVOLVED IN A DWI

Supervisors are responsible for observing any employee who was the operator of a police conveyance (automobile, motorcycle, bicycle, horse, boat, etc.) and involved in an accident for indications of alcohol use. If alcohol use is suspect, through admission, smell, actions, speech, Field Sobriety Test, etc., of the suspect employee, N.O.P.D. Form SAT 4

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be initiated, and a criminal investigation shall proceed, as per LA. R.S. 14:98 and LA. R.S. 32:661 through 669. Supervisors shall immediately notify the Public Integrity Bureau.

PR1012.4.3 PUBLIC INTEGRITY BUREAU INVESTIGATORS

The Public Integrity Bureau shall have the responsibility of overseeing the investigation of the suspected criminal offense. If the employee, after being arrested and advised of their rights from the standard departmental forms used for DWI arrests, agrees to take the breath test, those results shall be used in the criminal investigation, as well as in the administrative investigation which will follow.

After the booking procedure is completed, the supervisor shall expeditiously proceed to the testing facility. However, if the employee refuses to submit to any substance abuse testing, breath, urine, or blood, in the criminal investigation, and his/her conduct does not fall within the guidelines for mandatory testing as outlined in the Revised Statutes, then a separate Public Integrity Bureau Investigator must be called out to conduct the administrative investigation. This Investigator will then order the employee to submit to substance abuse testing for administrative purposes.

The preparation of the motor vehicle accident report shall remain with the assigned investigator; (Traffic Section investigator, or district supervisor).

PR1012.4.4 EMPLOYEES INVOLVED IN DWI OUTSIDE JURISDICTION

If the suspect employee is under investigation by another law enforcement jurisdiction, that agency shall complete their responsibilities before any further N.O.P.D. supervisory action. The notified supervisor shall not interfere with the official investigation, but may offer assistance until its conclusion. A release of a suspect employee by another jurisdiction does not preclude the completion of the administrative testing procedures by N.O.P.D.

Supervisors shall complete an SAT 4 Form, and either the First Report of Injury report (Employer's Report of Occupational Injury or Disease, Form #WC1007) or the Supervisor's Accident Report (Form 210). The SAT 4 Form shall become part of the report.

PR1012.5 DRUG TESTING FOR EMPLOYEES ENTERING SENSITIVE POSITIONS

Employees entering category II (sensitive positions) shall be tested regardless of whether they enter the position by original entrance, promotion, demotion, lateral transfer, or reinstatement.

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Sick Leave and On-Duty Injuries

PR1014.1 DEFINITIONS

Injured on Duty (I.O.D.) - Job related injury sustained while engaged in the performance of duties as defined in Civil Service Rule VIII, Section 2, 2.9(a) - (a) - "When any commissioned police personnel engaged in police training or in the process of pursing, apprehending, arresting, transporting or booking a suspect, such employee may be granted sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provisions of the State of Louisiana worker's compensation statutes, provided sick leave is recommended by the Superintendent of Police and is requested of and approved by the Director of Personnel of the Department of civil Service." (Amended August 9, 1979, October 27, 2000). An employee who engages in law enforcement duties as defined above, and is injured off-duty (including details) shall comply with the Injuries Provisions above so Civil Service can rule on the classification of the injury.

Worker's Compensation (W/C) - Job related injury sustained in any manner which cannot be classified as Injured on Duty, and may be covered under the Louisiana Worker's Compensation Law.

SICK - An injury sustained off-duty or on a secondary employment which cannot be classified as I.O.D. or W/C.

PR1014.2 CONDUCT WHILE ON SICK LEAVE

The employee shall contact his/her place of assignment, and if detailed, his/her place of temporary assignment, each day prior to their scheduled tour of duty to report either "sick" or "returning from sick."

An employee on extended sick leave, as defined in Policy 1015 "EXTENDED SICK LEAVE", shall adhere to the stipulations regarding the daily notification provisions. However, at the discretion of the employee's District/Division Commanding Officer, an employee who is hospitalized or whose absence results in extended sick leave due to a documented illness or injury may be exempt from the daily notification provision. Should this exemption be granted, the District/Division Commander shall check off the exemption block on NOPD Form 109R, which can be found at http://www.nopd.org under the "forms" tab, and date and sign the form acknowledging the exemption.

An employee is not required to remain confined to a specific location. However, during the time period concurrent with the employee's regularly scheduled tour of duty, the employee shall remain available via a contact number as the employee may be subject to emergency recall to duty consistent with the limitations of his/her illness or injury. Form 50, "Physician Examination Certification", shall be the controlling information in any assignment of this type.

An employee's sick leave period ends when the employee actually returns to duty with the Department. Until said return to duty and completing a tour of duty, employees will be prohibited from engaging in secondary employment or other police-related activities, with the exception of mandatory court appearances.

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PR1014.3 DOCUMENTATION OF SICK LEAVE USAGE

Any use of sick leave (a single tour of duty or any portion thereof) shall constitute a "day" of sick leave. However, when less than a full tour of duty of sick leave is taken, the employee's accumulated sick leave balance will be charged only the actual number of hours utilized.

NOPD form 50, "Physician's Examination Certification", shall be utilized for documentation of sick leave usage. Any sick leave usage not accompanied by form 50 is considered undocumented.

When an employee has exhausted his/her eight (8) undocumented sick leave days, it is the responsibility of their supervisor to notify the employee in writing utilizing a "Sick Leave Notification Form."

After a total of eight (8) days of undocumented sick leave usage, a form 50 must be provided for each subsequent use of sick leave during that calendar year. Form 50 may be completed by either a private physician or the Department Physician. Should the employee find it necessary to obtain documentation during his tour of duty, he/she shall be charged annual leave or leave without pay, as appropriate, until returning to duty.

Sick leave usage accompanied by a form 50 is considered documented. The employee shall consult his/her doctor during the illness while the symptoms are present. The Department Physician will not provide documentation after the fact unless the employee's symptoms are present.

For a documented absence, the employee shall provide the completed Form 50 to his/her supervisor (or supervisor's designee) within five (5) business days of returning to duty. An employee may elect to document any usage of sick leave provided the Form 50 is presented within the specified time.

The employee's supervisor (or supervisor's designee) shall post the documented sick leave usage in the TRIP system. The Form 50 shall be forwarded to the Administrative Duties Services. Copies of the Form 50 shall not be filed in the employee's unit personnel jacket.

If an employee has been on sick leave for five (5) consecutive days, he/she must provide a Form 50 to their supervisor regardless of the number of documented or undocumented absences he/she has accrued. The Form 50 must be presented within five (5) business days following the employee returning to duty.

If an employee's medical condition necessitates using sick leave for ten (10) or more consecutive days, the employee must provide a Form 50 to his/her supervisor (or supervisor's designee) prior to returning to duty.

Overtime - In accodrance with Civil Service Rule IV, Section 9.4, sick leave will not be counted as hours worked toward computation of overtime.

PR1014.3.1 EXCEPTIONS

DEATH IN THE IMMEDIATE FAMILY (defined in Civil Service Rule I, Section 1, number 33 and Rule VIII, section 2.2(e)). NOPD form 50, "Physician's Examination Certification", shall be utilized for documentation of sick leave usage and after a total of eight (8) days of undocumented sick leave usage, a form 50 must be provided for each subsequent use of sick leave during that calendar year do not apply to employees using sick leave due to a death in the immediate family. An employee is allowed the use of three (3) sick days for a death in the family. If extended travel is required, two (2) additional days are allowed for a total of five (5) days.

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AWP DAYS, HOLIDAYS, ANNUAL LEAVE - An employee may use his/her AWP day, Holiday or Annual Leave in any manner in which the employee first states his/her intention to return to duty immediately following said leave usage. This notification must take place prior to the time when the employee's tour of duty normally begins.

SICK LEAVE DURING STATE OF EMERGENCY - The Superintendent of Police may declare a State of Departmental Emergency under circumstances which may include, but shall not be limited to, natural disasters, man made disasters, or civil disturbances. Employees who are absent due to illness or injury during a declared State of Departmental Emergency shall, upon request of the Superintendent or their Commanding Officer, present a Form 50 completed by a licensed physician.

NOTE: Under a State of Departmental Emergency, the Superintendent may review the cases of those employees who are on sick leave and order those employees to return to work in a capacity consistent with their illness or injury.

REPORTED SICK LEAVE DURING CONCERTED WORK STOPPAGES - Employees who are absent due to illness or injury during a concerted work stoppage shall adhere to the provisions of the City of New Orleans, CAO Circular memorandum Number 510.

PR1014.4 REPORTING INJURIES

All injuries which occur while on-duty shall be reported on a form W/C 1007 (rev 8/06). This report shall be completed by a supervisor who shall ensure the report is COMPLETELY and ACCURATELY filled out. Failure to complete all applicable spaces on the form shall result in an unnecessary delay in classification and payment, and possibly in refusal by Civil Service to accept a claim as I.O.D. An N.O.P.D. Incident Report shall be completed in all instances where an employee is injured while working. (Form 1007 is available for download on-line at www.laworks.net, under Worker's Comp E-File.)

An employee who engages in law enforcement duties and is injured off-duty (including secondary employment) shall comply with the Injuries provision of this procedure so Civil Service can rule on the classification of the injury. The employee's work status shall be included in the narrative section of block 21 of form W/C/1007.

PR1014.5

Form W/C 1007 shall be hand delivered to the Human Resource Management Division within twenty-four (24) hours of the occurrence. If the twenty-four (24) hours fall within a weekend or holiday, the form shall be hand delivered to the Human Resource Management Division on the next business day. A copy of the W/C 1007 shall be retained in the employee's unit file and a copy given to the employee.

PR1014.6 REPORTING ABSENCES DUE TO INJURY

Employees who absent themselves from duty as a result of a job related injury or recurrence shall make notification as dictated by this procedure. The employee must specify that the absence is injury related and provide the correct Item Number so a form 109R can be completed. All employees absent from duty due to job related injury or recurrences are subject to the provisions of this procedure relating to Sick Leave.

An employee who is absent due to a job related injury or recurrence may:

(a) be recalled to duty in a capacity consistent with his injury by the Superintendent of Police under a declared State of Departmental Emergency;

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(b) be required by the Superintendent of Police or his Commanding Officer to obtain a Form 50 as a result of a declared State of Departmental Emergency, or

(c) be required to submit to examination(s) as directed by the Department of Civil Service, the City's claim adjuster, the Superintendent of Police, or his Commanding Officer.

An employee suffering a job related injury or recurrence who elects to return to duty while recuperating shall be subject to all provisions of Policy 1054 "Limited Duty/Assignments."

Employees who utilize sick leave due to a job related injury or recurrence classified as I.O.D. or W/C must provide medical documentation to receive any benefits.

All admit forms, documents containing diagnoses and medical information from hospitals and/or physicians, prescription bills, etc., shall be sent to the City Claims Administrator.

PR1014.7 LEAVE WITHOUT PAY

When it is determined an employee has or will exhaust accrued annual and sick leave and will be placed in a Leave Without Pay status (L), the employee's supervisory officer shall immediately (verbally) notify the employee he/she has exhausted all forms of paid leave status. It shall be the employee's immediate supervisor's responsibility to obtain the employee's signature on Form 51 within forty-eight hours (48) of the employee being placed on Leave Without Pay status.

The employee shall complete a Leave Without Pay Request (Form 52) and forward same with all required documentation to the Superintendent through the chain of command for final approval. After final approval, the completed Leave Without Pay Request (Form 52) shall be forwarded to the Human Resource Management Division for processing. Form 52 shall be received by the employee's Division Commander within forty-eight hours (48) of the employee exhausting all accrued leave.

If the employee is incapacitated and unable to complete Leave Without Pay Request (Form 52), the employee's immediate supervisor shall complete the form. The supervisor shall place his/her name on the employee's signature line, line out the word employee, and add the notation "completed for employee" beneath.

(a) If the required medical documentation cannot be obtained within the forty-eight (48) hour time frame, the form shall be forwarded to the Superintendent with a notation "documentation to follow."

(b) Medical documentation shall be obtained and forwarded through the chain of command within ten (10) days of the employee's first use of Leave Without Pay. Failure to supply the required documentation may result in disciplinary action under Civil Service Rule IX, relative to "Maintaining Standards of Service."

Should the employee's use of Leave Without Pay status result from circumstances not involving the employee's health, the provisions of this regulation regarding medical documentation shall not apply. In those instances the employee shall:

(a) complete the Leave Without Pay Request (Form 52);

(b) in the comments section fully explain the reason for being absent from work;

(c) indicate an expected date when the employee will return to work;

(d) supply any outside written documentation deemed appropriate. The New Orleans Police Department provides a critical function for the citizens of the community. As such, each employee's attendance at work is important in achieving the police

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department's mission of providing a timely and efficient service to the community. Extensive or frequent use of Leave Without Pay status may result in disciplinary action under Civil Service Rule IX titled "Maintaining Standards of Service."

Authorized Leave Without Pay may be granted in ninety (90) day increments or less by the Superintendent of Police not to exceed one year, whenever such leave is considered to be in the best interest of the department. Authorization for Leave Without Pay in excess of one year may be granted only with the approval of the Civil Service Commission.

PR1014.8 DUTIES OF THE INJURY REVIEWING PERSON (I.R.P.)

The I.R.P. shall review all W/C 1007 forms and classify as to I.O.D., W/C, or Sick. The I.R.P. shall distribute the form W/C 1007 as follows:

(a) copy marked third party administrator and copy marked for Office of Worker's Compensation shall be sent to the City's claims administrator; and

(b) copy marked for department shall be filed by the Human Resource Management Division. The I.R.P. shall notify the Human Resource Management Division of the injury classification, the amount of leave time to charge the employee (if any) and what information should be recorded in the TRIP System. A copy of this information shall also be forwarded to the employee's place of assignment

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Extended Sick Leave Procedures and Family Medical Leave

PR1015.1 ADMINISTRATIVE DUTIES DIVISION RESPONSIBILITIES

The Administrative Duties Section will maintain current Civil Service job descriptions and specifications for all classifications within the Department. This information will be used in determining the suitability of employees to perform within a given classification. Additionally, they will be used in all communications with physicians, insurance agencies, city agencies, pension boards and other interested or affected parties when referring to or communicating specific job duties and requirements of a classification.

PR1015.2 N.O.P.D. FORM 50

Employees that are required to submit a Form 50 (Physicians Examination Certification Form), which can be found at http://www.nopd.org, shall have ten (10) calendar days to return same to the Administrative Duties Section or face possible disciplinary actions. The Administrative Duties Section shall review and evaluate the Form 50 for accuracy and completeness. Incomplete forms or those forms lacking required information to be supplied by the employee's physician will be rejected as "incomplete." The employee shall have up to three (3) additional working days to submit the corrected form or face possible disciplinary action and possible disapproval of leave usage.

The New Orleans Police Department Form 50 shall be completed and submitted to the Administrative Duties Section:

(a) Upon initial transfer entry into the Administrative Duties Section.

(b) When it is anticipated, requested, or required to establish the classification of being on extended leave.

(c) When requesting a limited duty position and for each (30) calendar day medical update while on limited duty.

(d) When an employee is returning to full duty, despite the employee's previous classification.

(e) If, an assessment of an employee's fitness for duty is required or requested.

(f) When submitting the (60) calendar day medical update for extended leave.

(g) When required by this procedure

(h) To document any sick leave use.

PR1015.3 EVALUATION OF RETURN TO WORK STATUS

The department reserves the right to secure an Independent Medical Examination to evaluate any health condition related to the use of sick leave.

The information provided by the employee's physician in the Form 50 "Return to Work" Section will be utilized in the decision to assess application of an Independent Medical Examination provided by the City of New Orleans medical examiner.

The department may require employees to submit to an Independent Medical Examination by a health provider of the agency's choosing at the employer's expense. In the event

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the opinion of this second health provider differs significantly from the employee's health provider, the employer may request a third opinion at the employer's expense.

PR1015.3.1 INDEPENDENT MEDICAL EXAMINATION - REPORTING

An employee shall report to an Independent Medical Examination as scheduled by the Administrative Duties Section and the medical examiner. Any cancellations or rescheduling must be coordinated and approved by the Administrative Duties Section. All costs of the Independent Medical Examination are the responsibility of the City.

PR1015.3.2 INDEPENDENT MEDICAL EXAMINATION - CONFIRMATION

If the Independent Medical Examination confirms the employee's Form 50 medical opinion, then extended sick leave status may be approved for an additional sixty (60) calendar days (from date of initial transfer to the Administrative Duties Section). At the end of sixty (60) calendar days, the employee shall have ten (10) working days to submit another Form 50 and may be subject to another Independent Medical Examination.

PR1015.3.3 INDEPENDENT MEDICAL EXAMINATION - APPEALS

An employee shall have the right to obtain a third medical evaluation from another medical examiner if the City Independent Medical Examination report conflicts or disagrees with the employee's initial health care provider recommendation on the Form 50. This third examiner must be mutually agreed upon by the Administrative Duties Section, and all costs of this examination are the responsibility of the employer. The employee and Administrative Duties Section representatives shall cooperate and act in good faith in selecting any third health care provider, and both parties shall be bound by that medical decision. Such decision shall only remain in effect for that individual (60) calendar day extension.

PR1015.4 EXTENDED LEAVE EXTENSIONS (60 DAYS)

The approval of an extension of sixty (60) calendar days past the first (30) calendar days of extended leave may be granted by the department if the medical condition prognosis provides indication that an employee may return to full or limited duty within a defined or projected time frame. Subsequent extensions of additional (60) calendar day intervals may be approved based again on this same prognosis of maximum medical improvement.

This decision to extend leave is not automatic and will be determined by the Form 50 and supporting documentation provided by the employee's health care provider; and, if requested, the Independent Medical Examination provided by the City Medical Examiner; and if necessary, the third medical examination report as appealed by the employee.

The use of accrued sick days may only be applied consistent with supporting documentation that confirms the employee's illness or medical condition. Such supporting documentation must be submitted completely in the Form 50. The department reserves the right not to allow the use of any sick leave benefits for undocumented illnesses. The application of accrued sick leave days can also be limited to finite periods based on evaluation and review of the employee's medical condition.

For those employees who have exhausted all "approved and authorized" sick and annual leave benefits, the department may authorize use of "Leave Without Pay" status consistent with Civil Service Rule VIII, Section 10 and with the medical prognosis of maximum medical improvement as documented in the Form 50.

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PR1015.4.1 LIMITATIONS

If the department determines maximum medical improvement cannot be achieved through the approval of any sixty (60) calendar day extension(s), or if the employee has the capacity to perform but is unable and unwilling to return to work, then the department has the right to initiate Rule IX proceedings.

PR1015.5 RULE IX

The Administrative Duties Section shall prepare and submit a recommendation to the Superintendent of Police for consideration in all such cases where the employee's medical condition fails to provide for maximum medical improvement to resume the full job responsibilities associated with the position and classification.

The Police Department will conduct a pre-termination hearing, according to Rule IX of the Civil Service Rules, relative to Maintaining Standards of Service every thirty (30) days for employee's assigned to the Administrative Duties Section. The hearing will be held within fifteen (15) calendar days after the employee is notified of such in writing following Civil Service Rules.

At the pre-termination hearing the Superintendent of Police, or his designee, shall evaluate the employee's ability to maintain standards of service. The final action of the Superintendent of Police may be delayed or extended if the employee reasonably and adequately demonstrated, to the satisfaction of the Superintendent of Police; he/she is seeking an immediate remedy (e.g., disability retirement or accommodation) but requires additional time to complete the action. The Superintendent may elect to offer another position commensurate with physical abilities and qualifications.

PR1015.6 PERMANENTLY UNABLE TO RETURN TO FULL DUTY

Whenever an employee is informed by their attending physician or independent medical examiner that the prognosis of their illness or injury will prevent a return to full duty (i.e., the ability to satisfactorily perform all the unique and peculiar activities associated with his/her job classification), a Form 50 must be submitted to the Administrative Duties Section. The Form 50 must attest to the employee's inability to return to full duty considering the duties and responsibilities incumbent with the Civil Service job classification. The employee shall also provide any additional documentation necessary to more thoroughly articulate the employee's medical condition and limitations. The employee may exercise the following employment options:

(a) Seek a disability pension, if so qualified.

(b) Apply for a reasonable accommodation consistent with his illness or injury. (Accomplished through the Employee Growth and Development unit of the Department of Civil Service).

(c) Resign or retire from the Police Department

PR1015.7 USE OF LEAVE TO RELATED REASONS

Those employees who utilize leave due to stress or psychological reasons shall immediately notify their commander of the member's condition. The commander shall suspend a sworn member's police powers and collect the member's badge, police identification, police radio, police vehicle, and any department owned weapon. The commander shall ensure the member understands all police powers are suspended.

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(a) The employee's Commanding Officer shall complete N.O.P.D. form 55 (Suspension of Police Powers), which can be found at http://www.nopd.org, and have same signed by the employee.

The member shall be transferred to the Administrative Duties Section immediately. The Commander of the Administrative Duties Section will ensure that a Form 50 is received within ten (10) calendar days. The member's police powers will remain suspended until their psychological status renders them capable of performing full duty, as determined by the employee's health care provider, the Department-approved psychological services provider, or Independent Medical Examination.

Members may be considered for a noncommissioned temporary limited duty position during the period of recovery only.

PR1015.8 MATERNITY LEAVE

The Administrative Duties Section shall be responsible for processing and handling the limited duty assignment of pregnant employees. Pregnant employees will not be assigned to limited duty before their transfer to the Administrative Duties Section. Maternity leave will be in accordance with Civil Service Rule VIII, section 9. Pregnant employees wishing to be assigned to a limited duty position shall make their request by submitting a Form 50 to the Administrative Duties Section. The Administrative Duties Section shall accomplish their reassignment according to this procedure.

PR1015.9 RETURNING TO DUTY

Whenever an employee is informed by their physician they can return to full duty, a Form 50 must be forwarded to the Administrative Duties Section. Upon receipt of proper notification and submission of the Form 50, the Administrative Duties Section shall immediately notify the Deputy Superintendent of the Management Service Bureau in writing, of the employee's ability to return to full duty. The notification shall include the employee's previous permanent assignment. However, employees must wait for an official departmental message to authenticate their transfer and reassignment. An employee cannot be installed into the platoon system until officially transferred back into the budget code of permanent assignment.

PR1015.10 PAYROLL REQUIREMENTS

When an employee is assigned to the Administrative Duties Section, the employee's permanent unit of assignment is relieved from any "TRIP" responsibilities. All personnel assigned to limited duty positions will be carried "D-01" (detailed) by the Administrative Duties Section staff. It is the responsibility of the temporary unit of assignment to maintain the "TRIP" entries for the employee.

(a) The temporary unit of assignment shall record in the TRIP system the actual hours worked by the employee.

(b) Under no circumstances will limited duty personnel be allowed to work overtime without permission of the Deputy Superintendent of the Management Services Bureau.

(c) Subpoenas will only be accepted for employees who can reasonably be expected to appear in court as requested.

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PR1015.11 PROPERTY ISSUED BY THE DEPARTMENT

All commissioned members assigned to the Administrative Duties Section and who cannot work in a "Limited Duty" capacity shall immediately return property issued by the department to the Commander of the Administrative Duties Section. The property shall include but is not limited to the following:

(a) department issued weapon;

(b) radio, charger and components;

(c) vehicle, if assigned;

PR1015.12 REPORTING INJURIES

All injuries which occur while on-duty shall be reported on a form W/C 1007 (rev 8/06). The supervisor shall be responsible for completely filling out the form W/C 1007 accurately. Failure to complete all applicable spaces on the form may result in an unnecessary delay in classification and payment, and possibly in refusal by Civil Service to accept a claim as I.O.D. An N.O.P.D. Incident Report shall be completed in all instances where an employee is injured while working. (Form 1007 is available for download online at www.laworks.net, under Worker's Comp E-File.)

The employee's work status shall be included in the narrative section of block 21 of form W/C 1007.

PR1015.12.1 DISTRIBUTION OF FORM W/C 007

Form W/C 1007 shall be hand delivered to the Human Resource Services within twenty-four (24) hours of the occurrence. If the twenty-four (24) hours fall within a weekend or holiday, the form shall be hand delivered to the Human Resource Services on the next business day. A copy of the W/C 1007 shall be retained in the employee's unit file and a copy given to the employee.

PR1015.13 REPORTING ABSENCES DUE TO INJURY

All employees absent from duty due to job related injury or recurrences are subject to the provisions of this procedure relating to Sick Leave. Employees must specify the absence is injury related and provide the correct Item Number so a form 109R (Sick Form), which can be found at http://www.nopd.org, can be completed.

An employee who is absent due to a job related injury or recurrence may:

(a) be recalled to duty in a capacity consistent with his injury by the Superintendent of Police under a declared State of Departmental Emergency, as provided for in this procedure (Sick Leave During State of Emergency);

(b) be required by the Superintendent of Police or his Commanding Officer to obtain a Form 50 as a result of a declared State of Departmental Emergency; or

(c) be required to submit to examination(s) as directed by the Department of Civil Service, the City's claim adjuster, the Superintendent of Police, or his Commanding Officer.

An employee suffering a job related injury or recurrence that elects to return to duty while recuperating shall be subject to all provisions of the "Limited Duty" Procedures.

Employees who utilize sick leave due to a job related injury or recurrence classified as I.O.D. or W/C must provide medical documentation to receive any benefits.

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All admit forms, documents containing diagnoses and medical information from hospitals and/or physicians, prescription bills, etc., shall be sent to the City Claims Administrator.

PR1015.14 LEAVE WITHOUT PAY (LWOP)

When it is determined an employee has or will exhaust accrued annual and sick leave and will be placed in a Leave Without Pay status (L), the employee's supervisory officer shall immediately notify, in writing, the employee he/she has exhausted all forms of paid leave status. It shall be the employee's immediate supervisor's responsibility to obtain the employee's signature on Form 51(Leave without Pay Status) within forty-eight hours (48) of the employee being placed on Leave without Pay status.

The employee shall complete Form 52 (Employee Request Leave without Pay), which can be found at http://www.nopd.org, and forward same with all required documentation to the Superintendent through the chain of command for final approval. After final approval, the completed Form 52 (Employee Request Leave without Pay) shall be forwarded to the Human Resource Services for processing. Form 52 (Employee Request Leave Without Pay) shall be received by the employee's Division Commander within forty-eight hours (48) of the employee exhausting all accrued leave.

(a) If the employee is incapacitated and unable to complete Form 52 (Employee Request Leave without Pay), the employee's immediate supervisor shall complete the form. The supervisor shall place his/her name on the employee's signature line, line out the word employee, and add the notation "completed for employee" beneath.

  1. If the required medical documentation cannot be obtained within the forty-eight (48) hour time frame, the form shall be forwarded to the Superintendent with a notation "documentation to follow."
  2. Medical documentation shall be obtained and forwarded through the chain of command within ten (10) days of the employee's first use of Leave without Pay. Failure to supply the required documentation may result in disciplinary action under Civil Service Rule IX, relative to "Maintaining Standards of Service."

(b) Should the employee's use of Leave Without Pay status result from circumstances not involving the employee's health, the provisions of this regulation regarding medical documentation shall not apply. In those instances the employee shall:

  1. complete form 52
    (a) in the comments section, fully explain the reason for being absent from work.
    (b) indicate an expected date when the employee will return to work.
  2. supply any outside written documentation deemed appropriate.

The New Orleans Police Department provides a critical function for the citizens of the community. As such, each employee's attendance at work is important in achieving the police department's mission of providing a timely and efficient service to the community. Extensive or frequent use of Leave without Pay status may result is disciplinary action under Civil Service Rule IX titled "Maintaining Standards of Service."

Authorized Leave without Pay may be granted in ninety (90) day increments or less by the Superintendent of Police not to exceed one year, whenever such leave is considered to be in the best interest of the department. Authorization for Leave without Pay in excess of one year may be granted only with the approval of the Civil Service Commission.

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PR1015.15 DUTIES OF THE INJURYING REVIEWING PERSON (I.R.P.)

The I.R.P. shall review all W/C 1007 forms and classify as to I.O.D., W/C, or Sick.

The I.R.P. shall distribute the form W/C 1007 as follows:

(a) copy marked third party administrator and copy marked for Office of Worker's Compensation shall be sent to the City's claims administrator; and

(b) copy marked for department shall be filed by the Human Resource Services.

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Disciplinary Hearings and Penalty Schedule

PR1021.1 INSTRUCTIONS FOR COMPLETION OF HEARING NOTIFICATION FORM

Type of hearing:

Place a check in the appropriate block to designate the type of hearing.

Date:

Record the date the Hearing Notification Form is completed.

P.I.B. control number:

Record the P.I.B. control number for the case being scheduled for hearing.

To:

Record the rank, name, ssn, and assignment of the accused employee for whom the hearing is being scheduled.

From:

Record the rank and name of the person who will conduct the hearing.

Synopsis paragraph:

Record the rank, name and assignment of the accused employee; the date and time of the incident; the location of the incident; and a brief, concise synopsis of the incident, specifying each act or behavior by the employee which may constitute a sustained violation as documented in the recommendations section of the investigative report.

Listing of violations:

List each Rule violation recommended as sustained in the recommendations section of the investigative report. Cite each Departmental Rule allegedly violated by both number and nomenclature. After each Rule, make reference to the particular Departmental Order, Policy or Procedure (Chapter, Policy, Procedure, Section, Special Order, General Order, Personnel Order, Bulletin, etc.), which most specifically addresses the alleged violation. (Example: Rule 4: Performance of Duty; Paragraph 2: Instructions from Authoritative source, to wit, Chapter 33.3: Firearms Requalification).

Instructions for appearance:

Record the date/time of the hearing, the location the hearing will be held, and the name/assignment of the person who will conduct the hearing.

PR1021.2 INSTRUCTIONS FOR COMPLETION OF THE HEARING DISPOSITION

Type of hearing:

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Place a check in the appropriate block to designate the type of hearing.

Date:

Record the date the hearing disposition form is completed.

P.I.B. control number:

Record the P.I.B. control number for the case heard.

From:

Record the rank and name of the person who conducted the hearing.

Opening paragraph:

Record the date the disciplinary hearing was held, and the rank/name/ssn/assignment of the accused employee.

Violation name and recommended disposition:

List each Rule violation identified in the investigative report Cite each Departmental Rule allegedly violated by both number and nomenclature. After each Rule, make reference to the particular Departmental order, policy or procedure (Chapter, Policy, Procedure, Section, Special Order, General Order, Personnel Order, Bulletin, etc.), which most specifically addresses the alleged violation. (Example: Rule 4: Performance of Duty; Paragraph 2: Instructions from Authoritative source, to wit, Chapter 33.3: Firearms Requalification).

Next to each cited Rule, state the recommended disposition of the Rule.

Violation name and recommended penalty:

List each Rule violation recommended as sustained by the hearing officer. Next to each cited sustained Rule, stated the recommended penalty per violation.

Comments:

Record any appropriate comments relative to the disposition or penalty.

Signature(s) of hearing officer(s):

All persons who conducted the hearing shall place their signatures and the date signed.

Concur / do not concur (Bureau Commander):

To be signed and dated by the Bureau Commander of the accused employee.

PR1021.3 PENALTY SCHEDULE

This Penalty Schedule is intended as a guide to be used by management in determining the appropriate discipline to impose based on the violation committed.

In determining disciplinary action, it is recognized that a similar penalty should be imposed for a similar violation. However, equal treatment does not necessitate that a penalty be exactly the same. The following non-inclusive factors, if applicable to the particular case, should be considered, especially when considering a more severe disciplinary action, such as a lengthy suspension and/or demotion:

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(a) the nature and seriousness of the violation and its relationship to the employee's duties and responsibilities;

(b) whether the violation was intentional, technical, inadvertent, or committed for personal gain;

(c) whether the employee is in a supervisory or leadership role;

(d) the employee's past disciplinary and work record;

(e) the effect of the violation upon management's confidence in the employee's future job performance;

(f) the consistency of the penalty with those imposed upon other employees for a similar offense and with this penalty schedule.

The provisions of Civil Service Rule IX (stated below) shall apply in all cases:

RULE IX - DISCIPLINARY ACTIONS

Section 1. MAINTAINING STANDARDS OF SERVICE

I.I When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following: (1) termination from the service. (2) involuntary retirement. (3) reduction in pay within the salary range for the employee's classification, subject to the provisions of Rule IV, Section 3. (4) demotion to any position of a lower classification that the employee is deemed by the appointing authority and the Director to be competent to fill, accompanied by a reduction in pay, which is within the salary range for the lower classification, subject to the provisions of Rule IV, Section 3. (5) suspension without pay not exceeding one hundred twenty (120) calendar days. (6) fine. (as amended June 10, 1982, effective June 10, 1982)

Any penalty recommendation is subject to final approval by the Superintendent of Police.

PR1021.3.1 OFFENSES

FIRST OFFENSE: The SUSTAINED violation of any Rule(s).

SECOND OFFENSE: The second SUSTAINED violation of the same Rule(s) within a twenty-four (24) month period from the date of the first offense.

THIRD OFFENSE: The third SUSTAINED violation of the same Rule(s) within a thirty-six (36) month period from the date of occurrence of the first offense. This penalty shall also apply to fourth or subsequent violations in a thirty-six (36) month period.

PR1021.3.2 CATEGORIES OF SERIOUSNESS

Category 1 (Minor)

(a) Does not affect the rights or liberties of another;

(b) Involves only an administrative investigation or violation; and/or

(c) Does not affect job performance.

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Category 2 (Moderate)

(a) May affect the rights or liberties of another;

(b) Involves only an administrative investigation or violation; and/or

(c) May affect job performance.

Category 3 (Major)

(a) May affect the rights or liberties of another;

(b) May affect job performance; and/or

(c) Involves a serious administrative or criminal violation.

Legend:

CAT - Category

R - Reprimand

D - Dismissal

Numbers - Number of suspension days (working days)

PR1021.4 RULE TWO - MORAL CONDUCT - PENALTY SCHEDULE

PR1021.4.1 2:(1) ADHERENCE TO LAW

Employees shall act in accordance with the constitutions, statutes, ordinances, administrative regulations, and the official interpretations thereof, of the United States, the State of Louisiana, and the City of New Orleans, but when in another jurisdiction shall obey the applicable laws. Neither ignorance of the law, its interpretations, nor failure to be physically arrested and charged, shall be regarded as a valid defense against the requirements of this rule.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
TRAFFIC - On Duty/Off Duty - Police Vehicle	1 2 3	R-5/FINE 1-10/FINE 1-20/FINE	1-10/FINE 1-20/FINE 1-D/FINE	10-D/FINE 10-D/FINE 10-D/FINE
TRAFFIC - On Duty/Off Duty Private Vehicle	1 2 3	R-5 1-10 1-20	1-10 1-20 1-D	10-D 10-D 10-D
DWI - On Duty - Police Vehicle		D		
DWI - Off Duty - Police Vehicle		60-D	90-D	D
DWI - On Duty - Private Vehicle		30-D/FINE	D/FINE	
DWI - Off Duty - Private Vehicle		R-30	30-D	D
MUNICIPAL - On Duty		5-D	10-D	D
MUNICIPAL - Off Duty - Color of Law		5-D	10-D	D

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MUNICIPAL - Off Duty - Personal		R-D	5-D	30-D
STATE MISDEMEANOR - On Duty		30-D	60-D	D
STATE MISDEMEANOR - Off Duty - Color of Law		30-D	60-D	D
STATE MISDEMEANOR - Off Duty - Personal		10-D	30-D	D
STATE FELONY - On Duty/Off Duty		D		

PR1021.4.2 2:(2) COURTESY

Employees shall be courteous, civil, and respectful in their conduct toward all persons. The use of profane, vulgar or discourteous gestures or language to or in the presence of any citizen is prohibited.

The use of profane, vulgar or discourteous gestures or language, either verbal or written, by one employee to another employee is prohibited.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law		R-10	10-30	30-D

PR1021.4.3 2:(3) TRUTHFULNESS

Employees are required to be truthful at all times, in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		DISMISSAL	DISMISSAL	DISMISSAL

PR1021.4.4 2:(4) DISCRIMINATION

Employees shall not discriminate against or show partiality to any person because of racial, ethnic, religious, political, sexual, or personal prejudice.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law	1	R-10	10-30	30-D
	2	10-30	30-D	60-D
	3	30-D	60-D	D

PR1021.4.5 2:(5) VERBAL INTIMIDATION

An employee shall not use or direct unjustifiable verbal abuse, threats, or intimidation against any person.

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TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty / Off Duty - Color of Law		R-10	10-30	30-D

PR1021.4.6 2:(6) UNAUTHORIZED FORCE

Employees shall not use or direct unjustifiable physical abuse, violence, force, or intimidation against any person.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law	1	R-15	10-30	30-D
	2	10-30	30-D	60-D
	3	30-D	60-D	D

PR1021.4.7 2:(7) COURAGE

An employee shall act with courage and confidence and shall not fail to perform any duty because of the danger involved, but shall, however, exercise due care for the safety of his/her person and that of others, and the security of property commensurate with the circumstances.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law		3-10	10-D	D

PR1021.4.8 2:(8) FAILURE TO REPORT MISCONDUCT

Any department employee who observes or becomes aware of any act of misconduct by another employee of the government shall immediately report the incident to their immediate supervisor or the most appropriate New Orleans Police Department (NOPD) supervisor (Violation of this provision may be charged up to and including the category of the underlying offense not reported).

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law		30-D	60-D	D

PR1021.4.9 2:(9) FAILURE TO COOPERATE/WITHHOLDING INFORMATION

In accordance with established rights under law, employees shall not withhold any information, acts, or omissions known to the employee that purposefully interfere or disrupt an authorized investigation, whether internally or externally, investigated by any official entity. Additionally, any employee who withholds information or fails to cooperate with any internal investigation may be disciplined in addition to any other disciplinary action based upon conduct disclosed by the primary investigation.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law		30-D	60-D	D

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PR1021.5 RULE THREE - PROFESSIONAL CONDUCT

PR1021.5.1 3:(1) PROFESSIONALISM

Employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the Police Department.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On-Duty		R-10	3-30	30-D
Off Duty - Under Color of Law		R-10	3-30	30-D
Off Duty - Personal		R-5	3-30	30-D

PR1021.5.2 3:(2) ABUSE OF POSITION

Members shall not use their position, official identification cards or badges for personal or financial gain, for obtaining privileges, or for avoiding consequences of illegal acts. Employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Superintendent of Police.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty-Off Duty	1	R-30	10-60	60-D
	2	10-D	30-D	90-D
	3	30-D	60-D	D

PR1021.5.3 3:(3) NEATNESS AND ATTIRE

Employees shall, except under circumstances which are duty related, be neat and clean in person and dress, and shall be attired and equipped according to Department Procedures or instructions from a supervisor. Hair and mustaches shall be trimmed according to Department Procedures.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-3	3-10	10-D

PR1021.5.4 3:(4) ACCEPTING, GIVING ANYTHING OF VALUE

Members in their official capacity as employee(s) of the City of New Orleans, shall not solicit or accept from any person(s), business(es), or organizations(s) any gift, donation, goods, money, property (tangible, intangible, real or personal), loan, promise, service, or entertainment for the benefit of the employee(s) or the Department without the expressed written approval of the Superintendent of Police. Requests for such approval shall be forwarded to the Superintendent of Police through the employee's chain of command using NOPD Form 105 (Interoffice Correspondence).

Under no circumstances shall a gift, donation, goods, money, property (tangible, intangible, real or personal), loan, promise, service, or entertainment be solicited or accepted by the Department or its members if it may reasonably be inferred that the person, business, or organization:

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(a) seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or

(b) has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On-Duty/Off-Duty		5-20	15-45	45-D

PR1021.5.5 3:(5) REFERRALS

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial services (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, employees shall proceed in accordance with established Department procedures.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law	1	R-60	30-D	60-D
	2	30-D	60-D	D
	3	60-D	90-D	D

PR1021.5.6 3:(6) COMMERCIAL ENDORSEMENT

Employees shall not permit or authorize the use of their names, photographs, or official titles which identify them as employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Superintendent of Police.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-20	15-60	60-D

PR1021.5.7 3:(7) USE OF DRUGS/SUBSTANCE ABUSE TESTING

Employees shall be guided by the City's substance abuse policy as defined under Rule V, Section 9 of Civil Service Rules and C.A.O. Policy Memorandum # 89 dated 9/90 which states: Department employees shall not take any of the narcotic drugs defined in Louisiana Revised Statute 40, Articles 964 and 966, unless prescribed for them by a licensed medical practitioner. Employees are prohibited from reporting to duty under the influence of any drug, medication or other substance which would impair their normal sensory and/or motor body functions.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		D		

PR1021.5.8 3:(8) USE OF ALCOHOL / ON DUTY

Members shall not drink intoxicating beverages while on duty except in the performance of duty and while acting under proper and specific orders from a superior officer. Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

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TITLE	CAT	1ST OFFENSE	3RD OFFENSE	4TH OFFENSE
On Duty	1	3-30	30-D	D
	2	30-D	60-D	D
	3	60-D	D	.

PR1021.5.9 3:(9) USE OF ALCOHOL / OFF DUTY

Employees while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, obnoxious or offensive behavior which would discredit them, the Department, or render the employees unfit to report for their next regular tour of duty. Commissioned employees of the Police Department shall refrain from carrying a firearm while consuming alcohol or while under its influence.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
Off Duty	1	R-10	5-30	30-D
	2	5-30	30-D	60-D
	3	30-D	60-D	D

PR1021.5.10 3:(10) ALCOHOL INFLUENCE TEST

Any employee in violation of the rules pertaining to the use of alcohol on-duty and off-duty shall submit to an alcohol influence test, as ordered by a supervisor. Under orders from the Superintendent of Police, or the Superintendent's designee, an employee shall submit to other appropriate tests, such as saliva, and/or blood test.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		90-D	D	
Off Duty		30-D	90-D	D

PR1021.5.11 3:(11) USE OF TOBACCO

Members, when in uniform, may use tobacco as long as they are not in formation for inspection, they do not have to leave their assignment or post for the sole purpose of doing so, or they are not engaged in traffic direction and control. When employee are in direct contact with the public, they shall first obtain permission to use tobacco from the public with whom they are in direct contact.

All employees of the New Orleans Police Department are prohibited from smoking any type of hand rolled cigarette/cigar or machine rolled cigarette/cigar, which appears to be hand rolled while on duty; off duty in uniform, including paid details; in a city owned/leased vehicles, marked or unmarked; and/or appearing as a representative of the New Orleans Police Department including but not limited to meetings or court appearances.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-5	3-20	20-D

PR1021.5.12 RETALIATION

Retaliation for reporting misconduct or for cooperating with an investigation of misconduct is an egregious offense and shall be grounds for discipline, up to an including termination of employment.

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TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		30-D	60-D	D

PR1021.5.13 3:(13) SOCIAL NETWORKING WEBSITES, FACEBOOK, MYSPACE, PRINT OR TRANSMITTED MEDIA, ETC.

Employees shall not post any material on the internet including but not limited to photos, videos, word documents, etc., that violates any local, state or federal law and/or embarrasses, humiliates, discredits or harms the operations and reputation of the Police Department or any of its members.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty	1	R-5	3-15	30-D
	2	3-15	10-D	60-D
	3	15-D	60-D	D

PR1021.6 RULE FOUR - PERFORMANCE OF DUTY

PR1021.6.1 4:(1) REPORTING FOR DUTY

A member shall promptly report for duty at the time and place required by assignment or orders, but in the event of inability to perform or to begin punctually, he/she shall notify his/her commanding officer or a member of his/her unit authorized to receive such information before the designated time for commencement.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		1-10	10-30	30-D

PR1021.6.2 4:(2) INSTRUCTIONS FROM AUTHORITATIVE SOURCE

A member shall professionally, promptly, and fully abide by or execute instructions issued from any authoritative source. If the instructions are reasonably believed to be in conflict with the Rules and Procedures of the Department or other issued instructions, this fact shall respectfully be made known to the issuing authority. If the issuing authority elects to insist upon execution of the instructions which are reasonably believed to be in conflict with Department Rules and Procedures, then the member receiving the instructions shall have the right to request and is entitled to receive, IMMEDIATELY, said instructions in writing, except in cases of emergency as determined by the supervisor. The issuing authority shall be held responsible should any conflict materialize; however, no instructions shall be issued or executed which are in violation of the law.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty	1	R-3	1-10	10-D
	2	3-10	10-D	30-D
	3	10-D	60-D	D
Failure to render a statement in an administrative investigation		DISMISSAL		

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PR1021.6.3 4:(3) DEVOTING ENTIRE TIME TO DUTY

Members shall not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty	1	R-3	3-10	10-D
	2	3-10	10-D	20-D
	3	10-D	30-D	D

PR1021.6.4 4:(4) NEGLECT OF DUTY-GENERAL/SUPERVISORY RESPONSIBILITY/ENUMERATED ACTS/OMISSIONS

(4a) NEGLECT OF DUTY - GENERAL

Each member, because of his grade and assignment, is required to perform certain duties and assume certain responsibilities. A member's failure to properly function in either or both of these areas constitutes a neglect of duty.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law	1	R-5	3-15	30-D
	2	3-15	15-D	60-D
	3	15-D	60-D	D

(4b) SUPERVISORY RESPONSIBLITY

A member with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules and Regulations.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law		R-30	30-D	D

4(c) ENUMERATED ACTS/OMISSIONS

The following acts or omissions to act, although not exhaustive, are considered neglect of duty:

1. Failing to take appropriate and necessary police action;

2. Failing to respond to all assignments promptly and failing to report dispositions of assignments to the dispatcher immediately upon completion;

3. Failing to advise the dispatcher on each occasion of his absence from the patrol vehicle (except for signal 1042) and the reason therefore; and failing to report his return to his vehicle;

4. Failing to make a written report when such is indicated;

5. Unauthorized sleeping on duty;

6. Failing to comply with instructions, oral or written, from any authoritative source;

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7. Failing to take necessary actions so as to insure that a prisoner shall not escape as a result of carelessness or neglect;

8. Failing to thoroughly search for, collect, preserve, and identify evidence in an arrest or investigative situation;

9. Failing to insure that the health, welfare, and property of a prisoner is promperly maintained while in individual custody;

10. Failing to properly car for vehicles and other equipment used wherein damage results from carelessness or neglect;

11. Failing to take appropriate action as to illegal activity, including vice and gambling violations, and/or make a written report of the same to commanding officer.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty - Color of Law	1	R-5	3-15	30-D
	2	3-15	15-D	60-D
	3	15-D	60-D	D

PR1021.6.5 4:(5) CEASING TO PERFORM BEFORE END OF TOUR OF DUTY

A member shall be allowed to end his period of duty only with prior approval of his supervisor.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-20	30-D	60-D

PR1021.6.6 4:(6) LEAVING ASSIGNED AREA

Members shall remain within the boundaries of their assignment except when specifically authorized by their supervisor, radio dispatcher, or in hot pursuit.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-10	5-30	30-D

PR1021.6.7 4:(7) LEAVING CITY ON DUTY

Members shall not go beyond the City limits while on duty unless directed by their Supervisor, radio dispatcher, or in hot pursuit.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-20	10-45	45-D

PR1021.6.8 4:(8) HOURS OF DUTY

Members of the Department shall have, as scheduled, regular hours assigned to them for active duty each day, and when not on active duty, shall be considered **OFF-DUTY**. The fact that commissioned members may be technically **OFF-DUTY** shall not relieve them from the responsibility of taking the appropriate police action on any serious police matter coming to their attention at any time, providing for the circumstances and the reasonable safety of the off-duty employee and the public. During **OFF-DUTY** hours a member shall carry his official ID card and may carry his authorized weapon, except when engaged in athletic activities or consuming alcohol. Employees shall be subject to call for duty by order of their superior officer at any time.

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TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-30	10-45	45-D

PR1021.6.9 4:(9) SAFEKEEPING OF VALUABLES BY POLICE DEPARTMENT

Members of the Department shall not accept valuables for safekeeping from individuals who merely desire to check them in for that purpose. This does not apply to valuables that have been received as evidence or property in connection with an investigation, or property which is found and turned over to the police.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-3	3-10	30-D

PR1021.6.10 4:(10) ESCORT FOR VALUABLES OR MONEY

Members of the Department on duty shall not furnish escort services for transporting of money or valuables unless authorized by a Supervisor.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty		R-3	3-10	10-D

PR1021.7 RULE FIVE - RESTRICTED ACTIVITIES

PR1021.7.1 5:(1) FICTITIOUS ILLNESS OR INJURY REPORTS

Employees shall not feign illness or injury; falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		1-30	30-D	60-D

PR1021.7.2 5:(2) ASSOCIATIONS

Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are racketeers, sexual offenders, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of family relationships of members.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		5-30	30-D	60-D

PR1021.7.3 5:(3) VISITING PROHIBITED ESTABLISHMENTS

Employees shall not knowingly visit, enter or frequent a house of prostitution, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-30	30-D	60-D

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PR1021.7.4 5:(4) SUBVERSIVE ACTIVITIES

An employee shall not commit, attempt to commit, or aid in the commission or advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or assist in the overthrow or destruction of the constitutional form of the government of the United States, any State, or any political subdivision thereof, by revolution, force, violence, or other unlawful means. An employee shall not be allied with any group of persons whose individual or collective actions or purpose of action is prohibited by this rule, except in the performance of duty as directed by the Superintendent.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		30-D	60-D	D

PR1021.7.5 5:(5) LABOR ACTIVITY

(a) Employees shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

(b) Employees shall not engage in any strike or other concerted effort to adversely affect Departmental productivity. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-30	30-D	60-D

PR1021.7.6 5:(6) ACTING IN CIVIL MATTERS

Employees shall not give legal advice or express a legal opinion in civil matters beyond that which is necessary to prevent a breach of the peace or violation of law, but shall instead suggest that inquirer seek such information from another source of the inquirer's choosing.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-10	10-30	30-D

PR1021.7.7 5:(7) ACTING IMPARTIALLY

Employees shall take no action in a matter normally within the scope of their duties to which they are an interested or involved party, or make arrests in controversies arising between their relatives; nor make any arrests in their own quarrels, or between themselves and their relatives, friends and/or neighbors, except to prevent injury to another, or when a felony has been committed. Such circumstances shall be called to the attention of a supervisor who shall take the required action. Employees may detain any offender until intervention of proper authority.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-30	30-D	60-D

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PR1021.7.8 5:(8) CIVIL SUITS BY MEMBER

Employees involved in civil litigation as a consequence of the proper execution of their duties shall notify the Superintendent of Police via a Departmental Interoffice Correspondence (Form 105). The member shall attach all documents pertaining to the civil suit to the correspondence and hand carry this packet to the office of the Superintendent. Employees shall also notify the Superintendent in writing as to the existence of civil suits or actions where the member is involved as a plaintiff, defendant, or witness arising out of the performance of his duty, or his role as a police officer. When appearing as a plaintiff, defendant, or witness in any civil litigation, the member shall not be attired in his Departmental uniform, except when the employee is appearing as a representative of the New Orleans Police Department. (ADDITIONALLY: SEE C.A.O. POLICY MEMORANDUM 47 DATED SEPTEMBER 24, 1987 RE: INDEMNIFICATION FOR CITY OFFICERS AND EMPLOYEES.)

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-10	3-30	30-D

PR1021.7.9 5:(9) CRIMINAL PROCEEDING AGAINST MEMBER

An employee shall immediately report in writing to the Superintendent all information concerning any arrest or court action instituted against him/her in any criminal case. When required to testify in any court action instituted against him/her in any criminal case, the member shall not appear attired in his Departmental uniform. This article shall not be interpreted so as to apply to criminal proceedings arising out of the performance of the member's duty.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-30	30-D	60-D

PR1021.7.10 5:(10) TESTIFYING ON BEHALF OF DEFENDANTS (CRIMINAL OR CIVIL PROCEEDINGS)

Employees of the Department, when testifying on behalf of any defendant(s) in any criminal case, civil proceeding, or civil administration hearing (i.e., including but not limited to: liquor license revocation, driver's license revocation), where the City of New Orleans or the New Orleans Police Department is a prosecutor, plaintiff, or defendant, shall notify the prosecuting or plaintiff's attorney and the Superintendent, through their chain of command, that they will be testifying, before appearing in the defendant's behalf. Any employee testifying in a criminal case outside the Parish of Orleans shall notify the Superintendent, through their chain of command, prior to the trial date.

Employees testifying on behalf of the defendant(s), other than the City of New Orleans, in any criminal or civil proceeding not arising out of the proper performance of their duties, shall not be attired in their departmental uniform except when on duty and testifying in a matter before the Civil Service Commission.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty	1	R-5	5-10	10-D
	2	5-D	10-D	60-D
	3	60-D	D	.

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PR1021.7.11 5:(11) INTERFERING WITH INVESTIGATIONS

An employee shall not divulge official information to any other person or agency which he knows or should which he should know would possibly impede, obstruct or otherwise comprise any criminal or administrative investigation being conducted by Employees of this Department or by a member of any other local, State or Federal investigative organization or law enforcement agency.

Such prohibited activity shall include, but not be limited to, the release, disclosure or communications by any means, of any information to any suspect in an investigation or to any unauthorized person, which would tend to identify any officers acting in an undercover capacity, the identity of confidential sources, informers, or witnesses and any investigative methods and techniques utilized in a particular investigation

Such prohibited activity shall also include the release, disclosure or communication of descriptions of any vehicles or specialized equipment utilized in any investigation, suspects in or targets of any particular investigation, the existence of or description of any evidence or possible evidence, or any official data, computerized or conventional, either directly or indirectly related to or result from any criminal or administrative investigations.

It is understood that it will routinely be necessary to share such investigative information with members of other investigative or law enforcement agencies. Prior to the disclosure of such information or data to any person authorized by law and departmental policy to receive such data, the employee shall obtain the expressed authorization of his commanding officer.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		30-D	60-D	DISMISSAL

PR1021.7.12 5:(12 UNDERCOVER INVESTIGATIONS

Employees shall not, in the course of their official duties, engage in any undercover or covert activities without the prior written authorization of their respective Bureau Commander.

The prior written authorization of the Superintendent of Police shall be required in all undercover or covert activities in which employees are required or intend to engage in corrupt practices, including but not limited to, accepting bribes, the purchase of or possession of any controlled dangerous substance, or direct or indirect involvement in any crime of violence. Physical surveillance of a suspect or target of any official investigation or activities of confidential informers shall not be considered undercover or covert activities for the purpose of this rule.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		30-D	D	

PR1021.7.13 5:(13) REWARDS

Only upon written request and approval from the Superintendent, in each specific case, shall an employee be allowed to accept any reward resulting from or connected in any way with his performance or responsibilities as a police Officer. Request for such approval shall be forwarded to the Superintendent through the member's unit chain of command using Form 143.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-10	3-30	30-D

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PR1021.8 RULE SIX - OFFICIAL INFORMATION

PR1021.8.1 6:(1) SECURITY OF RECORDS

A member shall not impart to any person or remove from any files the content of any record or report, except as provided by law.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty	1	3-5	5-15	
	2	5-20	15-D	
	3	20-D	60-D	

PR1021.8.2 6:(2) FALSE OR INACCURATE REPORTS

An employee shall not knowingly make, or cause or allow to be made, a false or inaccurate oral or written record or report of an official nature, or intentionally withhold material matter from such report or statement.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		DISMISSAL	DISMISSAL	DISMISSAL

PR1021.8.3 6:(3) PUBLIC STATEMENTS AND APPEARANCES

Members shall not publicly criticize or ridicule the Department, its policies, or other Employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity. Members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves not as having an official capacity in such matters without official sanction or proper authority. Members may lecture on "police" or other related subjects only with the prior approval of the Superintendent of Police.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-30	30-D	60-D

PR1021.8.4 6:(4) CITIZENS REPORT COMPLAINT

Citizens applying to members for assistance or advice, or for the purpose of entering a report or a complaint, shall be given every possible consideration consistent with the circumstances. This is a duty incumbent on the officer being contacted, and he/she shall not refer citizens to another officer or Division unless circumstances necessitate such action.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-10	3-30	30-D

PR1021.8.5 6:(5) INFORMANTS

A member shall not be compelled to reveal the identity of a confidential informant except when required by the Superintendent of Police.

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TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		D		

PR1021.8.6 6:(6) CONFIDENTIALITY OF INTERNAL INVESTIGATIONS

All files concerning Departmental administrative reports and investigations shall be confidential.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		3-30	30-D	D

PR1021.9 RULE SEVEN - DEPARTMENT PROPERTY

PR1021.9.1 7:(1) USE OF DEPARTMENT PROPERTY

Members shall use Department property only for the purpose for which it is intended and in accordance with Department policy, rules, procedures, and orders. Members shall exercise care in the use of all Department property and equipment and shall promptly report any theft, loss, or damage of Department property.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-10	5-30	30-D

PR1021.9.2 7:(2) AUTHORIZED OPERATOR OF DEPARTMENT PROPERTY

Only licensed members who are authorized by their supervisor shall operate police vehicles.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-10	5-15	15-D

PR1021.9.3 7:(3) CLEANLINESS OF DEPARTMENT VEHICLE

Members assigned to operate police vehicles shall be responsible for the cleanliness of such vehicles during their tour of duty.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-3	3-10	10-D

PR1021.9.4 7:(4) USE OF EMERGENCY EQUIPMENT

Members shall not sound the siren or activate the blue light or other emergency devices unless responding to an emergency assignment or when required in the actual and proper performance of a police duty, or when so directed by the radio dispatcher or a superior officer.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-3	3-10	30-D

PR1021.9.5 7:(5) STATEMENT OF RESPONSIBILITY

Members who become involved in an accident (while operating a Department vehicle) shall make no statement as to responsibility and shall not advise other parties involved that the City will pay for the damages resulting from said accident even though they may be at fault.

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TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty / Off Duty		R-30	30-D	60-D

PR1021.9.6 7:(6) OPERATIONS MANUAL

Members shall be personally responsible for maintaining and updating their individual copies of the Department Operations Manual.

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-3	1-5	5-D

PR1021.9.7 7:(7) SURRENDERING DEPARTMENT PROPERTY

When a member resigns, is discharged, or ordered by his Commanding Officer, he shall surrender all Departmental owned property and equipment

TITLE	CAT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
On Duty/Off Duty		R-FINE		

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New Orleans Police Department
Policy Manual

PR1023

NEGOTIATED SETTLEMENT AGREEMENT (NSA) AND COMPLAINT RESOLUTION

PR1023.1 PRESENTATION MEETING RESPONSIBILITIES

PR1023.1.1 PUBLIC INTEGRITY BUREAU
Upon receipt of an alleged violation by an employee, the Public Integrity Bureau (PIB) shall determine if the alleged violation fits the criteria to be considered for negotiated settlement.

To be eligible for negotiated settlement, the alleged violation must be rank initiated and a minor violation. For purposes of this procedure, a rank initiated violation is a violation reported by an NOPD supervisor. For purposes of this procedure, a minor violation is defined as an infraction or set of infractions that are (1) subject to discipline only of reprimand to a maximum of ten days as categorized within the Penalty Schedule listing under PR1021; and (2) listed in the Criteria for NSA Eligibility Schedule within this procedure. Complaints initiated by citizens shall not be eligible for negotiated settlement.

If the allegation fits the criteria, the PIB Intake Supervisor will complete Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302 and attach it to the DI-1 Initiation form.

Once both forms are approved by the Commander of PIB, they will be forwarded to the accused employee's Bureau Liaison.

A member of the Public Integrity Bureau shall attend any scheduled presentation and settlement meetings related to any case he/she is assigned at the request of the Division Level Commander or the accused employee.

Upon completion of the settlement process (with or without an amicable resolution), the Public Integrity Bureau Disciplinary Resolution Form #302 will be returned to PIB for processing.

PR1023.1.2 BUREAU LIAISON
Upon receipt of the Public Integrity Bureau Disciplinary Resolution Form #302 by the Public Integrity Bureau, the Bureau Liaison shall notify the Division Level Commander on or before 1 working day of the receipt of the Public Integrity Bureau Disciplinary Resolution Form #302..

The Bureau Liaison shall be responsible for forwarding all documentation (DI-1, PIB Internal Resolution Form, PIB Short Form and/or any applicable documents) to the Division Level Commander.

PR1023.1.3 DIVISION LEVEL COMMANDER
The Division Level Commander shall notify the accused officer of the alleged violation and provide the accused officer with a copy of the Public Integrity Bureau Disciplinary Resolution Form #302, and any other documentation including the department's Rules, Policies, Procedures regarding the alleged violation and penalty as categorized withinPR1021, Disciplinary Hearings & Penalty Schedule.

The accused officer shall be notified within 2 working days of receipt of the alleged complaint from the Bureau Liaison.

The Division Level Commander shall schedule a Presentation Meeting with the accused officer.

Prior to the Presentation Meeting, the Division Level Commander shall complete Part 2, Section A of the Public Integrity Bureau Disciplinary Resolution Form #302, providing a recommended disciplinary action, including an explanation.

Within 5 working days from receipt of the Public Integrity Bureau Disciplinary Resolution Form #302, the accused employee's Division Level Commander, the employee and the employee's representative (if applicable) shall conduct the presentation meeting.

The Division Level Commander will review with the accused employee the various procedural alternatives available under existing Rules, Policies and Procedures that the accused employee has available to resolve the matter.

If the accused employee accepts responsibility for the alleged violation and agrees with the proposed discipline, an immediate resolution is obtained. Part 2, Section C of the Public Integrity Bureau Disciplinary Resolution Form #302 must be completed and forwarded to the accused employee's Bureau Chief.

If a Reflection Period is requested by the accused employee, the Division Level Commander will allow the accused employee and his/her representative a 5 calendar day period to reflect on the matter. Part 2, Section 'C' of the Public Integrity Bureau Disciplinary Resolution Form #302 shall be completed acknowledging the request for a Reflection Period. A settlement meeting shall be scheduled before the presentation meeting ends. Additionally, the Division Level Commander shall ensure the officer agrees to and signs the Civil Service Extension Form #304 Request before the Presentation Meeting ends

At the settlement meeting, the Division Level Commander may negotiate the proposed discipline. Part 3, Section A of the Public Integrity Bureau Disciplinary Resolution Form #302 shall be completed.

If a settlement is reached, Part 3, Section B of the Public Integrity Bureau Disciplinary Resolution Form #302 form must be completed with the signatures of the Division Level Commander and the accused employee indicating a settlement was reached. The form must be forwarded, through the chain of command, to PIB.

If a settlement is not reached, Part 3, Section B must be completed indicating a settlement was not reached by the Division Level Commander and the actual investigation will begin. The form will be forwarded through the chain of command back to PIB where the case will be promptly assigned for investigation.

PR1023.1.4 ACCUSED EMPLOYEE

Upon notification of an alleged violation, the accused employee shall identify and secure the attendance of counsel or employee representative (if desired). The employee shall be fully prepared to discuss the allegations and proposed discipline presented at the Presentation Meeting.

During the Presentation Meeting, the accused employee shall review with the Division Level Commander the accusation and proposed disciplinary action. This is the time for the accused employee to offer any mitigating and/or exculpatory evidence for consideration by the Division Level Commander.

If the accused employee accepts complete responsibility for the alleged violation and the proposed discipline, an immediate resolution will have been met. The accused employee will complete Part 2, Section C of the Public Integrity Bureau Disciplinary Resolution Form #302. The accused employee shall understand the resolution will not be complete until approved by the Superintendent of Police.

The accused employee can request a Reflection Period of up to 5 days. The accused employee must complete Part 2, Section C of the Public Integrity Bureau Disciplinary Resolution Form #302 indicating the request for a Reflection Period.

The accused employee must then attend a Settlement Meeting (5 days from the date of the Presentation Meeting) for a final resolution. Once again, the accused employee may negotiate the recommended penalty.

If the accused employee does not accept complete responsibility for the alleged violation and proposed discipline at the settlement meeting, the employee must complete Part 3, Section B of the Public Integrity Bureau Disciplinary Resolution Form #302 indicating a settlement has not been reached. The accused employee will then be advised that a disciplinary hearing will be conducted upon completion of an investigation if a sustained violation has been recommended.

The accused employee has the right to request an investigation into the alleged violation at any point during the Presentation, Reflection or Settlement meeting.

The accused employee's signature is required on the Public Integrity Bureau Disciplinary Resolution Form #302 in order to complete the process. The employee does have the right to note any disagreements and attach a separate statement if he/she wishes to do so.

The accused employee shall maintain confidentiality of the complaint and settlement process.

CRITERIA FOR NSA ELEGIBILITY SCHEDULE - OFFENSES ALLOWED BY NEGOTIATED SETTLEMENT AGREEMENT

RULE TWO - MORAL CONDUCT

2:(1) ADHERENCE TO LAW
Employees Shall act in accordance with the constitutions, statutes, ordinances, administrative regulations, and the official interpretations thereof, of the United States, the State of Louisiana, and the City of New Orleans, but when in another jurisdiction shall obey the applicable laws. Neither ignorance of the law, its interpretation, nor failure to be physically arrested and charged, shall be regarded as a valid defense against the requirements of this rule.

Traffic Offense – On Duty/Off Duty – Police Vehicle
Traffic Offense – On Duty/Off Duty – Private Vehicle

2:(2) COURTESY
Employees shall be courteous, civil, and respectful in their conduct toward all persons. The use of profane, vulgar or discourteous gestures or language to or in the presence of any citizen is prohibited.

The use of profane, vulgar or discourteous gestures or language, either verbal or written, by one employee to another employee is prohibited.

On Duty/Off Duty – Color of Law

RULE THREE - PROFESSIONAL CONDUCT

3:(1) PROFESSIONALISM
Employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the Police Department.

On Duty
Off Duty – Under Color of Law
Off Duty - Personal

3:(3) NEATNESS AND ATTIRE
Employees shall, except under circumstances which are duty related, be neat and clean in person and dress, and shall be attired and equipped according to Department Procedures or instructions from a supervisor. Hair and mustaches shall be trimmed according to Department Procedures.

On Duty

3:(9) USE OF ALCOHOL / OFF DUTY
Employees while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, obnoxious or offensive behavior which would discredit them, the Department, or render the employees unfit to report for their next regular tour of duty. Commissioned employees of the Police Department shall refrain from carrying a firearm while consuming alcohol or while under its influence.

Off Duty

3:(11) USE OF TOBACCO
Members, when in uniform, may use tobacco as long as they are not in formation for inspection, they do not have to leave their assignment or post for the sole purpose of doing so, or they are not engaged in traffic direction and control. When employees are in direct contact with the public, they shall first obtain permission to use tobacco from the public with who they are in direct contact.

All employees of the New Orleans Police Department are prohibited from smoking any type of hand rolled cigarette/cigar or machine rolled cigarette/cigar, which appears to be hand rolled while on duty; off duty in uniform, including paid details; in a city owned/leased vehicles, marked or unmarked; and/or appearing as a representative of the New Orleans Police Department including but not limited to meetings or court appearances.

On Duty

3:(13) SOCIAL NETWORKING WEBSITES, FACEBOOK, MYSPACE, PRINT OR TRANSMITTED MEDIA, ETC.
Employees shall not post any material on the internet including but not limited to photos, videos, word documents, etc., that violates any local, state or federal law and/or embarrasses, humiliates, discredits or harms the operations and reputation of the Police Department or any of its members.

On Duty/Off Duty

RULE FOUR - PERFORMANCE OF DUTY

PR1021.6.1 4:(1) REPORTING FOR DUTY
A member shall promptly report for duty at the time and place required by assignment or orders, but in the event of inability to perform or to begin punctually, he/she shall notify his/her commanding officer or a member of his/her unit authorized to receive such information before the designated time for commencement.

On Duty

4:(2) INSTRUCTIONS FROM AUTHORITATIVE SOURCE
A member shall professionally, promptly, and fully abide by or execute instructions issued from any authoritative source. If the instructions are reasonably believed to be in conflict with the Rules and Procedures of the Department or other issued instructions, this fact shall respectfully be made known to the issuing authority. If the issuing authority elects to insist upon execution of the instructions which are reasonably believed to be in conflict with Department Rules and Procedures, then the member receiving the instructions shall have the right to request and is entitled to receive, IMMEDIATELY, said instructions in writing, except in cases of emergency as determined by the supervisor. The issuing authority shall be

held responsible should any conflict materialize; however, no instructions shall be issued or executed which are in violation of the law.

On Duty/Off Duty

4:(3) DEVOTING ENTIRE TIME TO DUTY
Members shall not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

On Duty

4:(4) NEGLECT OF DUTY-GENERAL/SUPERVISORY RESPONSIBILITY/ENUMERATED ACTS/OMISSIONS

(4a) NEGLECT OF DUTY - GENERAL
Each member, because of his grade and assignment, is required to perform certain duties and assume certain responsibilities. A member's failure to properly function in either or both of these areas constitutes a neglect of duty.

On Duty/Off Duty – Color of Law

4(c) ENUMERATED ACTS/OMISSIONS
The following acts or omissions to act are considered neglect of duty:

1. Failing to take appropriate and necessary police action;
2. Failing to respond to all assignments promptly and failing to report dispositions of assignments to the dispatcher immediately upon completion;
3. Failing to advise the dispatcher on each occasion of his absence from the patrol vehicle (except for signal 1042) and the reason therefore; and failing to report his return to his vehicle;
4. Failing to make a written report when such is indicated;
5. Unauthorized sleeping on duty;
6. Failing to take necessary actions so as to insure that a prisoner shall not escape as a result of carelessness or neglect;
7. Failing to thoroughly search for, collect, preserve, and identify evidence in an arrest or investigative situation;
8. Failing to properly care for vehicles and other equipment used wherein damage results from carelessness or neglect;

On Duty/Off Duty – Color of Law

4:(6) LEAVING ASSIGNED AREA
Members shall remain within the boundaries of their assignment except when specifically authorized by their supervisor, radio dispatcher, or in hot pursuit.

On Duty

4:(7) LEAVING CITY ON DUTY
Members shall not go beyond the City limits while on duty unless directed by their Supervisor, radio dispatcher, or in hot pursuit.

On Duty

4:(9) SAFEKEEPING OF VALUABLES BY POLICE DEPARTMENT
Members of the Department shall not accept valuables for safekeeping from individuals who merely desire to check them in for that purpose. This does not apply to valuables that have been received as evidence or property in connection with an investigation, or property which is found and turned over to the police.

On Duty

4:(10) ESCORT FOR VALUABLES OR MONEY
Members of the Department on duty shall not furnish escort services for transporting of money or valuables unless authorized by a Supervisor.

On Duty

RULE FIVE - RESTRICTED ACTIVITIES

5:(6) ACTING IN CIVIL MATTERS
Employees shall not give legal advice or express a legal opinion in civil matters beyond that which is necessary to prevent a breach of the peace or violation of law, but shall instead suggest that inquirer seek such information from another source of the inquirer's choosing.

On Duty/ Off Duty

5:(8) CIVIL SUITS BY MEMBER
Employees involved in civil litigation as a consequence of the proper execution of their duties shall notify the Superintendent of Police via a Departmental Interoffice Correspondence (Form 105). The member shall attach all documents pertaining to the civil suit to the correspondence and hand deliver this packet to the office of the Superintendent. Employees shall also notify the Superintendent in writing as to the existence of civil suits or actions where the member is involved as a plaintiff, defendant, or witness arising out of the performance of his duty, or his role as a police officer. When appearing as a plaintiff, defendant, or witness in any civil litigation, the member shall not be attired in his Departmental uniform, except when the employee is appearing as a representative of the New Orleans Police Department. (ADDITIONALLY: SEE C.A.O. POLICY MEMORANDUM 47 DATED SEPTEMBER 24, 1987 RE: INDEMNIFICATION FOR CITY OFFICERS AND EMPLOYEES.)

On Duty/Off Duty

5:(10) TESTIFYING ON BEHALF OF DEFENDANTS (CRIMINAL OR CIVIL PROCEEDINGS)
Employees of the Department, when testifying on behalf of any defendant(s) in any criminal case, civil proceeding, or civil administration hearing (i.e., including but not limited to: liquor license revocation, driver's license revocation), where the City of New Orleans or the New Orleans Police Department is a prosecutor, plaintiff, or defendant, shall notify the prosecuting or plaintiff's attorney and the Superintendent, through their chain of command, that they will be testifying, before appearing in the

defendant's behalf. Any employee testifying in a criminal case outside the Parish of Orleans shall notify the Superintendent, through their chain of command, prior to the trial date. Employees testifying on behalf of the defendant(s), other than the City of New Orleans, in any criminal or civil proceeding not arising out of the proper performance of their duties, shall not be attired in their departmental uniform except when on duty and testifying in a matter before the Civil Service Commission.

On Duty/Off Duty

5:(13) REWARDS
Only upon written request and approval from the Superintendent, in each specific case, shall an employee be allowed to accept any reward resulting from or connected in any way with his performance or responsibilities as a police Officer. Request for such approval shall be forwarded to the Superintendent through the member's unit chain of command using Form 143.

On Duty/Off Duty

RULE SIX - OFFICIAL INFORMATION

6:(1) SECURITY OF RECORDS
A member shall not impart to any person or remove from any files the content of any record or report, except as provided by law.

On Duty/Off Duty

RULE SEVEN - DEPARTMENT PROPERTY

7:(1) USE OF DEPARTMENT PROPERTY
Members shall use Department property only for the purpose for which it is intended and in accordance with Department policy, rules, procedures, and orders. Members shall exercise care in the use of all Department property and equipment and shall promptly report any theft, loss, or damage of Department property.

On Duty/Off Duty

7:(2) AUTHORIZED OPERATOR OF DEPARTMENT PROPERTY
Only licensed members who are authorized by their supervisor shall operate police vehicles.

On Duty/Off Duty

7:(3) CLEANLINESS OF DEPARTMENT VEHICLE
Members assigned to operate police vehicles shall be responsible for the cleanliness of such vehicles during their tour of duty.

On Duty/Off Duty

7:(4) USE OF EMERGENCY EQUIPMENT
Members shall not sound the siren or activate the blue light or other emergency devices unless responding to an emergency assignment or when required in the actual and proper performance of a police duty, or when so directed by the radio dispatcher or a superior officer.

On Duty/off Duty

7:(6) OPERATIONS MANUAL
Members shall be personally responsible for maintaining and updating their individual copies of the Department Operations Manual.

On Duty/Off Duty

7:(7) SURRENDERING DEPARTMENT PROPERTY
When a member resigns, is discharged, or ordered by his Commanding Officer, he shall surrender all Departmental owned property and equipment

On Duty/Off Duty

Uniform Regulations

PR1046.1 UNIFORM: POLICE AND CORRECTIONAL OFFICERS

The uniform shall be worn as a whole, and all parts shall conform to the uniform specifications. Brand names, style numbers, and other identifying information are listed in this procedure. Complete technical uniform specifications are maintained in the Office of Compliance.

Unless otherwise directed, officers may wear either the class "A" winter uniform or the class "B" summer uniform year round. Directions on the appropriate uniform may be issued by commanders, bureau chiefs or by operations or other orders.

Officers are authorized to wear the below listed items as the official N.O.P.D. uniform:

(a) Light blue uniform shirt;

(b) Trousers;

(c) Uniform cap with frontispiece;

(d) Rain wear;

(e) Uniform gun belt with holster, plain, smooth, black leather or synthetic look alike with belt keepers. Black under belt may be worn;

(f) Bullet or magazine pouches, or speed loader carriers and handcuffs with case. Handcuff cases shall be smooth, black leather, opened or closed;

(g) Black footwear with black or navy blue socks;

(h) Police whistle;

(i) Flashlight (not to exceed 13 inches, color black or silver);

(j) Black ink pen and notebook;

(k) Authorized firearms and ammunition;

(l) Badge, department issue or approved custom made. Custom made badge designs shall be submitted to the Office of Compliance for approval by the Superintendent. Badges shall be worn on uniform shirts and/or on outer garments. Police officers issued special unit badges (i.e. detective or agent) shall wear the chrome department issue badge while in uniform;

(m) Name plate to be worn on the outermost garment;

(n) Identification cards and folder;

(o) Radio with carrying case and/or belt attachment;

(p) PR 24 police baton and ring holder or expandable baton with smooth black leather carrying case, as authorized;

(q) Authorized reflective vest(Must be worn during traffic control duties); and

(r) Knife, Buck brand or equivalent, or multipurpose tool with 4 inch maximum lock blade and smooth, black leather case with flap.

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PR1046.2 CLASS A - WINTER UNIFORM

(a) Long sleeve uniform shirt; navy blue clip on tie with miniature star and crescent tie tack. Custom made tie tacks shall be submitted to the Office of Compliance for approval by the Superintendent;

(b) Heavyweight jacket or windbreaker;

(c) Navy blue, v neck, long sleeve, wooly pulley style sweater with badge tab (optional);

(d) Dark blue or black scarf to be worn around neck under winter uniform jacket (optional);

(e) Mock Turtle Neck (optional, not authorized for the rank of Captain and above, special events, court appearances, or at times dictated by the Superintendent of Police);

(f) Garrison cap with frontispiece; and

(g) Gloves, black leather, five finger type (optional) (Weighted gloves are not authorized);

Badge and nameplate must be worn on the outermost garment.

PR1046.2.1 CLASS B - SUMMER UNIFORM

(a) Short sleeve uniform shirt; t shirt shall not be visible through open collar; and

(b) Garrison cap with frontispiece.

PR1046.2.2 CLASS C - DRESS UNIFORM

(a) Long sleeve uniform shirt;

(b) Navy blue clip on tie with miniature star and crescent tie tack;

(c) Dress uniform trousers;

(d) Garrison cap; and

(e) Dress shoes.

PR1046.3 WEARING OF UNIFORM PARTS, PATCHES AND INSIGNIAS

Officers shall be authorized to wear the N.O.P.D. uniform while traveling to and from and during the following:

(a) Tours of duty;

(b) Court appearances;

(c) Special assignments; and

(d) Authorized secondary employment.

While off duty, members shall not display any uniform parts which identify them as police officers or wear the badge exposed unless acting in an official capacity.

Sunglasses and eyeglasses shall have conservatively colored frames and shall not be hung from any uniform part.

The official N.O.P.D. patch shall be worn on both sleeves of all uniform shirts, jackets, and sweaters. An illustration of the proper placement of the N.O.P.D. patch can be found in at www.nopd.org under "Resources".

Metal uniform parts, such as collar insignias, badge, tie tack, name tag, metal snaps on leather gear, belt buckle, and frontispiece, shall be gold colored for ranking officers and chrome colored for non ranking officers.

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Dress trousers shall for non-ranking officers (P/O I through P/O IV) shall have a 1/2 inch wide piping, royal blue in color, sewn on the outside of the pants leg.

Uniformed personnel shall wear collar brass as indicated below:

Assignment	**Insignia**
First thru Eighth Districts	Appropriate Numeral
Traffic Personnel	T/Appropriate Numeral
Special Operations Division	SOD
Canine Personnel	K-9/SOD
Mounted Division	MTD/8
Field Operations Bureau	FOB
Investigations & Support Bureau	ISB
Management Service Bureau	MSB
Public Integrity Bureau	PIB
Operations Bureau Staff	HQ

Commanders and above do not wear collar brass.

Illustration of the proper wearing of collar brass can be found at www.nopd.org under "Resources".

PR1046.3.1 GRADE DESIGNATIONS

Police Sergeants shall wear chevrons on both sleeves of their uniform shirts, sweaters and jackets. Chevrons shall be worn centered on the top portion of the sleeves with the tip 1/2 inch below the bottom edge of the NOPD shoulder patch.

Supervisors from the grade of Lieutenant through Superintendent of Police shall wear military style shoulder board fabric designation insignia on both epaulets of uniform shirts and sweaters.

Lieutenants, Captains and Majors shall wear military style metal insignia consistent with their grade centered on the epaulet with the edge of the bar on the bottom of the leaf parallel to and 5/8 inch from the shoulder seam of the jacket.

Police Commanders shall wear military style metal insignia consisting of one star centered on epaulet from shoulder seam of jackets and coats.

The Deputy Superintendent designated as second in command of the department by the Superintendent shall wear military style metal insignia consisting of three stars centered on the epaulet from shoulder seam of jackets and coats.

All other Deputy Superintendents shall wear military style metal insignia consisting of two stars centered on the jacket epaulets with 1/4 inch spacing between stars .

The Superintendent shall wear military style metal insignia consisting of four stars on the jacket epaulets.

Illustrations of the wearing of chevrons, shoulder boards, metal insignia can be found in at www.nopd.org under "Resources".

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PR1046.3.2 SERVICE STARS AND STRIPES

Commissioned police personnel may wear service stripes and stars on the left sleeve of the uniform shirts as illustrated, and in accordance with the following guidelines (Optional):

YEARS OF SERVICE WITH DEPARTMENT	NUMBER OF SERVICE STRIPES	NUMBER OF SERVICE STARS
4	1	0
8	2	0
12	3	0
16	4	0
20	4	1
24	4	2
28	4	3
32	4	4

Additional service stars shall be added for each additional four year service period.

PR1046.3.3 SPECIAL ASSIGNMENT INSIGNIAS AND AWARDS

Personnel authorized to wear special assignment insignias or awards shall wear those insignias centered over the right pocket of the uniform shirt as illustrated.

Personnel are prohibited from wearing more than one special assignment insignia.

Special assignment insignias and awards not currently authorized shall be submitted to the Uniform Committee for the approval of the Superintendent of Police.

Personnel who have been awarded Department Commendations and/or Merit Badges are authorized to wear those awards over the left pocket of their uniform shirts with the bottom edge of the award ¼" above the top edge of the N.O.P.D. badge. Awards of up to five (5) medals will be worn in a single horizontal row above the badge. Subsequent awards will be worn in a row 1/4" above the first row. (See illustration).

Medals of Merit and Valor shall be worn below the badge on the left pocket flap (as illustrated). No more than two medals shall be worn at a time.

Authorized Longevity Pins (service pins) shall be worn over the right pocket of the uniform shirt with the bottom edge of the pin 1/4 inch above the name plate. Years of Service Stripes/Pins Approval Form must be completed prior to purchasing/wearing of same.

Commissioned employees who are graduates of the FBI National Academy may wear their National Academy Pin over their name tag, above the right shirt pocket.

An illustration of the proper wearing of special assignment insignias and awards can found at www.nopd.org under "Resources".

PR1046.4 POLICE RECRUIT UNIFORM

Police Recruits initially reporting to the Education and Training Division or assigned to units of the Department awaiting the commencement of an academy class shall wear civilian clothes suitable to their respective assignments as determined by their Commanding Officer or Supervisor.

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Recruits, while assigned to the academy and during training, shall wear apparel as designated by the Commander of the Education and Training Division.

The Commander of The Education and Training Division shall determine the timing of the different uniform phases and shall have authority to suspend the wearing of the regulation uniforms and to authorize clothing suitable to the training being conducted.

PR1046.5 UNIFORM: POLICE TECHNICIAN/COMMUNICATIONS SPECIALISTS

All uniform parts and accessories shall conform to these uniform specifications. Each employee shall be responsible for the maintenance of all uniform parts.

(a) Trousers: Milliken Visa, 100% textured polyester, color navy blue, manufactured by Edwards Garment Company, male style #2297, female style #8277;

(b) Shirt: oxford cloth, solid color light blue, 60% cotton, 40% polyester, stay collar (without buttons), manufactured by Edwards Garment Company, male (long sleeve) style #1061, male (short sleeve) style #1011, female (long sleeve) style #5061, female (short sleeve) style #5011;

(c) Tie: Standard four in hand or clip on, 100% polyester, flat knit, color navy blue. Ties should be worn with the long sleeve shirt;

(d) Socks: black, female employees may wear a neutral shade of stockings;

(e) Footwear: black, smooth, leather, lace up or athletic shoes. Female employees may wear navy blue or black leather pump style shoe with no heels over 4 inches;

(f) Belt: navy blue or black with plain buckle;

(g) Sweater: cardigan style (button up), 100% flat knit, color navy blue;

(h) Blazer: Milliken Visa, 100% textured polyester, color navy blue, manufactured by Edwards Garment Company, male style #3297, female style #6297;

(i) Name tag: department issue, centered on the top of the shirt pocket;

(j) Police technicians shall wear collar brass corresponding to the place of assignment; and

(k) The official N.O.P.D. shoulder patch shall be worn on both sleeves of all uniform sweaters and shirts, centered 1 inch from the top of the shoulder seam. The patch on the blazer shall be worn on the left side, on the left breast pocket of the male blazer and where the left breast pocket would be on the female blazer. Communication Specialists shall substitute the 911 patch on the right sleeve of sweaters and shirts.

Female police technicians shall be authorized to wear the below optional attire:

(a) Skirt: Milliken Visa, 100% textured polyester, color navy blue, manufactured by Edwards Garment Company, style #9277;

(b) Skirt: Lady Edwards, Poly Cotton Woven 65% Polyester 35% Cotton, color navy blue, manufactured by Edwards Garment Company, style #9175-07;

(c) Jumper dress: 100% polyester, navy blue, made by Crest Careers, style #8621;

(d) Jumper dress: 80% polyester, 20% wool, color navy blue, manufactured by Crest Careers, style #8623. Skirts and dresses are to be worn no shorter than 3 inches above the knee; and

(e) Tunic: Milliken Visa, 100% textured polyester, color navy blue, manufactured by Edwards Garment Company, style #7277

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Officers assigned to special units or duties may wear the below listed items in addition to, or in lieu of, the regulation uniform while actually assigned to specialized duties.

PR1046.6 MOUNTED OFFICER

The below listed items may be worn by commissioned employees assigned to the Mounted Section:

(a) Breeches: mounted/motorcycle riding breeches;

(b) Rain wear: mounted raincoat;

(c) Footwear: English style riding boots;

(d) Authorized Mounted insignia;

(e) Riding crop, black leather;

(f) Spurs: U.S. Cavalry riding spur;

(g) Helmet: department issue with frontispiece decal; and

(h) Cap, knit, open faced ski mask.

PR1046.7 MOTORCYCLE OFFICER

The below listed items may be worn by commissioned employees assigned to Motorcycle Duty:

(a) Breeches: mounted/motorcycle;

(b) Raincoat;

(c) Footwear: motorcycle style;

(d) Authorized Motorcycle insignia and competition pins;

(e) Helmet: department issue with frontispiece decal;

(f) Cap, knit, open faced ski mask;

(g) Expandable baton in lieu of PR 24; and

(h) Motorcycle gloves, black leather.

Authorized baseball cap may be worn by officers assigned to the Motorcycle Division. The cap may be worn only when officers are not performing motorcycle duties.

PR1046.8 CANINE OFFICER

The below listed items may be worn by commissioned employees assigned to Canine Duty:

(a) Tie is optional with winter uniform;

(b) Authorized Canine insignias;

(c) B.D.U.'s, dark blue and fatigue trousers during training or performance of duties.

PR1046.9 SPECIAL OPERATIONS TACTICAL SECTION

The uniform for commissioned employees assigned to the Special Operation Tactical Section shall be determined and specified by the Commander of the Special Operations Tactical Section, and approved by the Deputy Superintendent of the Field Operations Bureau.

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The Commander of the Special Operation Tactical Section shall direct officers under his/her command to wear the Class A, B, or C uniform when appropriate. While wearing the Class A, B, or C uniform, all policies and procedures relative to those uniforms shall apply.

Commissioned employees of the Special Operation Tactical Section shall be authorized to utilize whatever equipment is deemed necessary by the Commander of the Special Operation Tactical Section .

PR1046.10 TASK FORCE/HURRICANE UNIFORM

The uniform for commissioned employees assigned to a Task Force and/or hurricane duties shall be the authorized Tactical Duty Uniform, also known as the B.D.U.

PR1046.11 BICYCLE PATROL UNIFORM

The below listed items may be worn by commissioned employees assigned to bicycle patrol duties:\

(a) Shirt: polo style, royal blue top/navy blue bottom short sleeve pullover with printed star and crescent badge emblem on the front and NEW ORLEANS POLICE on the back;

(b) Shorts: navy bicycle touring shorts; optional pants: navy bike zip-off leg pants;

(c) Jacket: Royal Blue over Navy bike jacket with reflective Star and Crescent on front and official NOPD patches on both shoulders;

(d) Gun belt: standard leather or nylon, black;

(e) Socks; white or black ankle socks;

(f) Shoes, black bicycle type;

(g) Helmet: black and uniform blue bicycle helmet (mandatory while riding);

(h) NOPD authorized baseball cap (while stationary);

(i) Reflective ankle straps, international orange color;

(j) Black or blue (matching shirt color) cycling gloves, padded; and

(k) Badge worn on gun belt.

PR1046.12 SEARCH AND RESCUE UNIT OFFICERS

The below items may be worn by commissioned employees assigned to Search and Rescue Duties:

(a) Authorized Search and Rescue Unit insignia; and

(b) Any equipment necessary as authorized by the Search and Rescue Unit Commander.

PR1046.13 WORK DETAILS / UNIFORM

WORK UTILITY UNIFORM - Navy blue trousers, shirt and jacket by Lion Uniform "Fire Service 24 Hour Station Wear" or Sears Work Uniform.

DRESS UTILITY UNIFORM - Shall be the same as the Grounds Patrol Uniform.

Employees assigned to work details are authorized to wear the below listed uniform clothing:

(a) Patches, insignias, name tag, and collar brass shall be the same as listed in the police\correctional officer uniform.

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(b) Supervisors may waive the wearing of ties, metallic items and other uniform parts which may cause a hazard to employees or equipment.

(c) Footwear shall be plain, black, smooth surface, round toe boots, work shoes, or athletic shoes with navy blue or black socks.

(d) T shirt, dark navy blue with white star and crescent logo on the left front is acceptable if the member is unarmed.

(e) The baseball cap with badge patch is authorized for year round use.

PR1046.14 COMMAND STAFF

The Command Staff is defined as any commissioned member with the position of Captain and above. The below items are authorized for Command Staff personnel:

(a) Authorized N.O.P.D. garrison cap with appropriate designation for grade on brim (caps worn by Police Commanders, Deputy Superintendents and the Superintendent shall additionally be affixed with gold Mylar trim around brim).

(b) Uniform shirt: long sleeve, white. Worn for both winter and summer uniform. Official shoulder patch shall be worn on both sleeves one inch from the shoulder of the uniform shirt (Service stripes for command staff personnel are optional).

(c) The tie and dress coat may not be used while wearing the short sleeve shirt. Short sleeve shirts may only be worn when the department's class "B" (summer uniform) is authorized.

(d) Uniform tie: slip on, velcro, or the "four in hand".

(e) Uniform trousers.

(f) Footwear with black or navy blue socks.

(g) Uniform belt worn through the trousers' belt loops. The full utility gun belt and accessories may be optionally worn with all authorized outerwear, with the exception of the uniform dress coat.

(h) Uniform holster.

(i) Additional leather equipment carriers.

(j) Dress coat: official N.O.P.D. shoulder patch to be on both sleeves one inch from the shoulder of garment.

(k) Overcoat.

(l) Sweater, soft shoulder boards to be worn.

(m) Windbreaker or leather coat, metal insignia to be used.

The Command Staff shall wear the appropriate soft shoulder board grade designation on both shoulder epaulets of the uniform shirt.

The Command Staff shall wear the appropriate soft shoulder board grade designation on both shoulder epaulets of the uniform overcoat.

The grade designation for the dress coat shall consist of the following:

(a) Police Captains shall wear the military style metal insignia designating grade on both shoulder epaulets of the dress coat. Both sleeves of the dress coat shall bear two gold piping bands indicating grade of Police Captain.

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(b) Police Majors shall wear the military style metal insignia designating the grade on both shoulder epaulets of the dress coat. Both sleeves of the dress coat shall bear three gold piping bands indicating the grade of Police Major.

(c) Police Commanders shall wear the military style metal insignia designating the grade on both shoulder epaulets of the dress coat. Both sleeves of the dress coat shall bear three gold piping bands and a gold star indicating the grade of Police Commander.

(d) Deputy Superintendents shall wear the military style metal insignia designating grade on both shoulder epaulets of the dress coat. Both sleeves of the dress coat shall bear four gold piping bands indicating grade of Deputy Superintendent.

(e) The Superintendent of Police shall wear the military style metal insignia designating grade on both shoulder epaulets of the dress coat. Both sleeves of the dress coat shall bear four gold piping bands and a gold star indicating the grade of Superintendent of Police.

The Command Staff shall wear official shoulder patches on both sleeves of all overcoats and uniform jackets.

Captains shall wear gold colored collar insignias on the collar of the uniform shirt.

Major and above shall wear no collar insignia.

The authorized N.O.P.D. badge shall be worn, as per N.O.P.D. regulation, on the outermost garment, with the exception of the uniform overcoat.

Nameplates may be of a polished finish or brushed finish, and shall be gold in color for ranking officers, with blue lettering.

Other pins and awards may be worn on the uniform shirt as specified earlier in this regulation.

PR1046.15 CLOTHING - PLAIN CLOTHES AND CIVILIANS

There are two classes of uniforms for plain clothes personnel:

- Class D - Dress Clothing
- Class E - Mixed Clothing.

PR1046.15.1 CLASS D - DRESS CLOTHING

This attire shall consist of a business suit or sport coat with slacks and tie for male members, and a skirt, slacks, or business dress with or without a jacket, and heels or flats with neutral shade stockings for female members. Regulation weapon, holster, extra ammunition, handcuffs, and badge shall be worn but concealed when in view of the public.

PR1046.15.2 CLASS E - MIXED CLOTHING

This attire shall consist of mixed clothing suitable to the task to be performed as determined by the commander of the specialized unit to which the member is assigned. Regulation weapon, holster, extra ammunition, handcuffs, and badge shall be worn but concealed when in view of the public.

PR1046.15.3 CLOTHING - INVESTIGATORS

Commissioned members assigned as Investigators involving Crimes Against Persons and Crimes Against Property shall wear the Class D - Dress Clothing, as explained above.

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PR1046.16 MOURNING BANDS

Employees of the Department may wear black mourning bands upon the death of another Department employee.

Mourning bands shall be black elastic bands, approximately one-half inch wide, worn across the badge.

Mourning bands shall be placed diagonally across the badge, with the top of the band covering the letter "P" in the word "POLICE" at the top of the badge. Facing the badge, the mourning band is placed from the upper right (one o'clock position) to the lower left (seven o'clock position).

Mourning bands shall be worn for the following time periods only:

Active Department employee, line of duty death: from the time of the death until midnight on the 14th day after the death;

Active Department employee, not line of duty death: from the time of death until midnight on the 7th day after the death;

Retired Department employee: on the day of funeral services until midnight on that day; and

While attending the annual Memorial Mass or Memorial Service.

PR1046.17 WEARING OF GARRISON HAT

Members are required to have the uniform hat available at all times. When wearing the uniform hat, the hat is to be placed evenly positioned atop the member's head, the bill centered on the forehead, above the eye brows. The hat shall not be worn at excessive angles, resting atop the rear of the head with the bill pointing upward about the forehead.

The garrison hat shall be worn by members attired in Class A or Class B uniform in the following circumstances:

Attending ceremonial functions, including parades;

Directed by General Order or upon a supervisor's instructions;

Working a high visibility assignment regularly requiring a walking beat (e.g. Bourbon Street Promenade; Magazine Street Enhancement Unit; Magazine Street Promenade) or other venue as designated by a Commander or his/her designee.

The garrison hat need not be worn by members attired in Class A or Class B uniform when:

Inside Department facilities;

Operating a vehicle;

Death or serious injury notifications to next of kin;

Eating or drinking;

Sitting at a table or otherwise conducting business while sitting;

Attending to personal necessities or uniform maintenance;

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Entering a place of religious worship;

Entering a room where an ill or recently deceased person is located;

Attending a formal function honoring or mourning an individual; or

Ceremony dictates otherwise.

Members are not required to wear the garrison hat when responding to routine calls for service or self initiated activity.

Members are not required to wear the garrison hat when responding to emergencies, unless directed by his/her immediate supervisor.

Authorized baseball style caps may be worn by members operating motorized two wheel vehicles or mounted officers when their authorized helmets are removed. Members operating motorized two wheel vehicles or mounted officers seated in the saddle shall wear their authorized helmets.

PR1046.18 CIVILIANS

Civilian members shall be permitted to wear clothing suitable to their respective assignments as determined by their commanding officer or supervisor.

PR1046.19 CRIME LAB TECHNICIANS

Crime Lab civilian technicians are approved to wear the authorized uniform listed in the Uniform Specifications Index of this procedure.

Civilian Techs are not authorized to have the sewed on fabric NOPD badge above the left pocket.

Commissioned police officer Crime Lab Technicians shall wear the Class A or B uniform or the authorized 5.11 T.D.U. Task Force style uniform.

PR1046.20 UNIFORM SPECIFICATION INDEX

For information on other uniform parts or complete technical specifications, contact the Office of compliance.

PR1046.20.1 SHIRTS

LEVENTHAL BROTHERS: "CONQUEROR", LIGHT BLUE

- Male, short sleeve: model #9677 (White for Captains and above)
- Female, short sleeve: model #L967 (White for Captains and above)
- Male, long sleeve: model #9675 (White for Captains and above)
- Female, long sleeve: model #L966 (White for Captains and above)

5.11 TDU: Task Force/Hurricane Coverage - Style 72002 or 72002T for sizes 2X to 6X (Long Sleeve) 724 Dark Navy; 65%/35% poly/cotton, ripstop

5.11 TDU: Task Force/Hurricane Coverage - Style 71001 or 71001T for sizes 2X to 6X , 724 Dark Navy; 65%/35% poly/cotton, ripstop

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- Standard NOPD shoulder patches at top of both sleeves. (Only SWAT personnel shall be allowed to use the subdued colored shoulder patches).
- Sewed on fabric NOPD badge above left pocket; gold tone for supervisory personnel; white tone for police officers; navy blue one quarter inch lettering "NEW ORLEANS POLICE" on crescent.
- First initial and last name in one half inch lettering; gold tone for supervisory personnel; white tone for police officers on sewn navy blue background patch located over the right pocket measuring one inch by five and one half inches
- Officer's assignment embroidered in three eighth inch lettering above name; gold tone for supervisory personnel; white tone for police officers on sewn navy blue background patch measuring four inches by one and one half inches.
- Four inch by ten inch blue background sewn on emblem on the rear of the shirt. The words "NEW ORLEANS" in one inch capital letters on the first line; the word "POLICE" in two and one half inch capital letters on the second line; gold tone for supervisory personnel; white tone for police officers.
- Sewn on chevrons for sergeants will be worn on both sleeves; Lieutenants and above will wear cloth rank epaulets on the shoulder tabs.

CIVILIAN CRIME LAB TECHS

- Standard NOPD shoulder patches at top of both sleeves.
- First initial and last name in one half inch letters, white tone, on sewn navy blue background patch located over the right pocket measuring one inch by five and one half inches
- The words "NEW ORLEANS POLICE CRIME LAB" in white tone on sewn navy blue background patch located over the left pocket measuring two inches by four inches. The words "NEW ORLEANS POLICE" in one quarter inch lettering, "CRIME LAB" in three quarters inch lettering.
- The words "NEW ORLEANS POLICE CRIME LAB" in white tone on sewn navy blue background patch measuring four inches by ten inches centered on back of the shirt. The words "NEW ORLEANS POLICE" in five eighths inch lettering, "CRIME LAB" in two inch lettering.

PR1046.20.2 TROUSERS

Male Dress Trousers: Blauer Style 8650; Navy Blue

Male Dress Trousers: Leventhal Style T4900; Navy Blue

Male Dress Trousers: Leventhal Style T490E Action Option Waistband; Navy Blue

Female Dress Trousers: Blauer Style 8650W; Navy Blue

Female Dress Trousers: Leventhal Style F4900; Navy Blue

Female Dress Trousers: Leventhal Style F490E Action Option Waistband; Navy Blue

Female Dress Trousers: Horace Small Style HS2481; Navy Blue

Work Detail Trousers: Lion Uniform, Inc.; Fire Service 24-Hour Station Wear

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Task Force/Hurricane Coverage/Civilian Crime Lab Tech Pants: Unisex; 5.11 Style TDU74280; Dark Navy; 6.14oz 65%/35% cotton ripstop, Teflon treated cargo pant with built in dividers

Blauer SUPERSHELL Pants with Crosstech: Style #9972; Dark Navy in color; Duty belt attachment loops (**OPTIONAL FOR TRAFFIC OFFICERS ONLY WHEN WORN WITH BLAUER SUPERSHELL JACKET LISTED BELOW**)

PR1046.20.3 JACKETS

Gerber: Model 71N1; Navy Blue

Taylor Leather Wear: Model 4771

Sweater: Blauer Model 225; "Commando" Fleece Lined; V-Neck sweater; including badge tab, name tab and epaulets; Dark Navy

Windbreaker: Blauer Model 6045; "Ike-Length" reversible to high visibility yellow; Dark Navy

Commanders Overcoat: Taylor Leather Wear Model 4497Z

Gerber Thriller SX Reversible Jacket; Model 71DX1/L; Midnight Navy (Outer Shell); HI VIZ Lime-Yellow (Lining Shell); ANSI-107 Class III; Badge holder eyelets; NOPD Shoulder Patch on each shoulder; Shoulder Epaulets; Drop in hood (**THE DROP IN HOOD FEATURE IS NOT TO BE WORN WHILE ON DUTY**); Lining Side Front: Left chest; NOPD Heat Press STAR& CRESCENT 2-1/2"; Dark Navy in color; Right chest; Name Strip; 1-3/8" Lime; Officers rank in 1/4 inch block font ("OFFICER" for P/O I-IV; actual RANK for Sergeant and above e.g. "SERGEANT"); First Initial - Last Name in 1/2 inch block font; Dark Navy in color; embroidery sewn; Lining Side Back View: Heat Press NOPD STAR & CRESCENT; 8 -1/2 inch; (Centered and 4-1/2 inches below collar seam); Dark Navy in color Officers choosing to wear the above jacket while conducting traffic control or foot patrol duties, **reversible lime green side only**, shall not need to wear the Traffic Vest over the jacket.

Blauer SUPERSHELL Jacket with Crosstech (**OPTIONAL FOR TRAFFIC OFFICERS ONLY**); Style #9970-1; Dark Navy with HI-VIS Yellow; ANSI-107-2010 Class II Badge tab; Rear of jacket: NOPD Heat Press 8 ½ inch diameter STAR & CRESCENT with 3/4 inch; lettering "New Orleans Police".

PR1046.20.4 HATS

Garrison Cap:

Midway Cap Company "Five Star Uniform Cap" * Adjustable version is acceptable

Mounted Hat:

Stratton Hat, Inc., #F-40 Felt (winter) Stratton Hat, Inc., #S-40DB (summer)

Bicycle Unit Helmet:

Schwinn Intercept Adult Helmet Model #SW135; black and uniform blue in color;

Mongoose Intercept Adult Micro Bicycle Helmet, Model #MC75419-2pk; black and uniform blue in color

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Baseball Cap:

Navy Blue, Solid cloth construction (no mesh). Six panel with six rows of stitching on brim. Inside perspiration band one and three quarter inch thick and black in color. Two inch embroidered "star and crescent" badge on front; #524 gold for supervisory personnel, #800 white for patrol officers. The rear of the cap shall have "N.O.P.D." embroidered in "Times New Roman" font, three quarters of an inch up from the bottom of the cap, parallel

Watch Cap:

100% Piltrol, made to the Department of Defense Specifications, black in color; silver NOPD badge patch on front for police officers, gold NOPD badge patch on front for ranking officers.

PR1046.20.5 RAIN WEAR

Coat: Blauer, Style 733 ANSI III (with added 2" reflective stripe above hem); blue star and crescent logo on back

Coat: Gerber, Style 70C3/L, blue star and crescent logo on back

Jacket: Blauer, 233R ANSI III (with added 2" reflective stripe above hem), blue star and crescent logo on back

Jacket: Gerber, Style 70J3/L, blue star and crescent logo on back

Rain Pant: Gerber, Style 70D3/L, blue star and crescent logo on back

Garrison Hat Cover: Blauer, Style 107, black, reversible to high visibility yellow

SOD Traffic Rain Jacket: Blauer, Style 26950-1, all purpose rain jackets, high visibility yellow with blue star and crescent logo on back

SOD Traffic Rain Pant: Blauer, Defender Rain Pant, high visibility yellow, Model 134

Mounted Rain Slicker: Muddy Creek, Model #MPC-001, black in color, 4X12" reflective "POLICE" patch on back; eight and a half inch reflective star and crescent logo centered on back one inch above the "POLICE" patch; 600 candlepower 3M reflective tape running on front and back trim.

PR1046.20.6 HOLSTERS

Leather Holster:

- Safariland Level 3 Model 070
- Safariland Level 3 Model 295
- Safariland Level 3 Model 6070
- Safariland Level 3 Model 6280
- Safariland Level 3 Model 6360
- Safariland Level 3 Model 6365

TASK FORCE ALTERNATIVE HOLSTER:

Bianchi Accumold/Ballistic or Cordura counterparts

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PR1046.20.7 FOOTWEAR

Black plain toe, "Military Style", leather

Black plain toe "Military Style"; Corfam

Black plain toe, "Wellington Style"

Black plain toe "Military Combat Style" leather boot

Black plain toe rubber rain boots

PR1046.20.8 MISCELLANEOUS

Tie: Dark navy blue, "Uniform by Cravats" clip-on "4 in hand", French end construction, dark navy in color

Handcuffs:

- Smith and Wesson; Model 100; nickel or blue finish
- Peerless Model 700 (or equivalent); nickel or blue finish with universal size key

Whistle: Acme Thunderer #30, #60, (BNP58.5); W-3 or equivalent

Scarves: dark blue in color, no patches, no fringes

Mock Turtle neck: Style "Padala #103", 100% cotton, 6oz., dark navy, containing "NOPD" (white for officers/gold for supervisors) ¾" tall font located ¼" off centerline of collar on left side.

Safety Vests: Blauer; Model 340; V-Neck; high visibility florescent yellow; shoulder/side breakaway; adjustable waist; microphone tabs; printed stripe - 2inch 3M reflective with ¼ black edge (top and bottom, front and back)

SAFETY VEST FRONT VIEW:

- NEW ORLEANS - 1" Arial Font; POLICE - 2 5/8" Arial Font; Dark Navy in color; between two printed 3M reflective strips
- NOPD STAR & CRESCENT 3" Font; (left chest), Dark Navy in color; Above top vertical 3M reflective strip
- Right chest; First Initial - Last Name - 1/2" Arial Font; Dark Navy in color; half inch above top vertical 3M reflective strip
- Rank: POI thru POIV - "OFFICER" - 3/8" Arial Font; Dark Navy in color; half inch above name
- Rank: Sergeant through Superintendent - Actual Rank (e.g. "SERGEANT") - 3/8" Arial Font; Dark Navy in color; half inch centered above name

SAFETY VEST BACK VIEW:

- NOPD STAR & CRESCENT; 6 and ½" Font; (Centered ¾" below neck seam); Dark Navy in color;
- NEW ORLEANS - 1" Arial Font; POLICE - 2 5/8" Arial Font; Dark Navy in color; between two printed 3M reflective strips

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PR1046.20.9 BICYCLE UNIFORM

Bicycle Unit Shirt:

- Style: royal blue top; dark navy bottom; Mocean #0402, 5.95 oz 97.5% polyester/2.5% X-STATIC® silver nylon;
- 3M® reflective trim around arms and across chest
- Reflective NOPD shoulder patches on both arms
- Reflective Star and Crescent on front
- Reflective "NEW ORLEANS POLICE" on back

Bicycle Unit Shorts:

- Style: Mocean #1090B, 4.7 oz, 96% polyester and 4% Lycra® Spandex®; Pants, Style Mocean #2098Z, zip off leg revert to shorts (Optional)
- Two (2) zippered back pockets; side cargo pockets with pen pockets
- 2" wide waistband with draw cord

Bicycle Unit Waterproof Bike Jacket with Removable Liner:

- Style: Mocean Tech #6070R, Royal Blue/Navy, 100% Supplex nylon shell, fleece vest liner; 2 slash front pockets, chest zipper pockets, inside patch pockets and pen pockets on each side; 3M® reflective tape around chest and back.
- Right front chest 7/8" dark navy name tape with name in 1/2" white or gold Velcro attachment
- Left front chest NOPD Star & Crescent 3" reflective Velcro attachment
- Left Sleeve: Official NOPD Patch - reflective Velcro attachment
- Right Sleeve: Official NOPD Bike Patrol Patch - reflective Velcro attachment
- 4" x 10" NEW ORLEANS POLICE" reflective Velcro attachment

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PROFESSIONAL PERFORMANCE ENHANCEMENT PROGRAM (PEPP)

PR1056.1 EDUCATION & TRAINING RESPONSIBILITIES

The Education and Training Division shall be responsible for the preparation and implementation of the educational components for any retraining deemed necessary under the program.

PR1056.2 STAFF PROGRAMS SECTION RESPONSIBILITIES

The Staff Programs Section of the Public Integrity Bureau shall be responsible for gathering, maintaining, and evaluating data. The data will be gathered from the following sources:

(a) Personnel complaints (sustained, not sustained, withdrawn, and pending cases);

(b) Use of force forms;

(c) Resisting arrest type charges: La. R.S. 14: 108 resisting an officer; La. R.S. 14: 108.1 - flight from an officer; La. R.S. 14:34.2 battery on an officer; 18854 MCS 54-441 resisting an officer

(d) Administrative shooting notification forms;

(e) Central Lockup arrest registers; and

(f) Commander/Supervisor referrals.

PR1056.3 COMMANDERS / SUPERVISORS RESPONSIBILITIES

Commanders or Supervisors who feel that an employee would benefit from inclusion in the PPEP Retraining Program shall submit a Department Form 105 through their chain of command to the Deputy Superintendent of the Public Integrity Bureau, articulating specific observed or known behaviors to justify their request.

Employees referred by commanders or supervisors will have their complaint history reviewed. This information will be evaluated along with the behaviors documented by the supervisor, to determine if the employee should be included in PPEP retraining.

PR1056.4 CRITERIA

A specific set of criteria will be used to identify and initiate a review of those individuals who may be developing an inappropriate pattern of behavior.

The criteria shall be fixed, monitored, amended (when appropriate), and maintained in written form by the Staff Programs Section of the Public Integrity Bureau. When amended, the criteria shall be immediately distributed to Department employees through their chain of command.

PR1056.5 RECOMMENDATIONS

At the completion of the review process, a recommendation to the Superintendent shall be made by the Staff Programs Section. This recommendation shall be reviewed by the individual's Division Commander and Bureau Chief, who may assign additional comments via Department Form 105. The recommendation shall be returned to the Programs Section

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of the Public Integrity Bureau for review by the Superintendent or his/her designee, and implementation of the final recommendation. Recommendations may include the following:

- **NO SPECIFIC MONITORING** Employees will fall into this category if there is sufficient reason to believe their noteworthy activities have ceased, their Commanding officers have advanced convincing reason to cause belief that they are not problematic, or the review process has determined that the identifying criteria are not sufficient to warrant intervention.
- **EARLY INTERVENTION MONITORING** Commanding officers shall be responsible for monitoring the behavior of the employee on a formal basis for a period of twenty-four (24) weeks as follows:

1. Employee's Commander shall submit a bi weekly written report via "PPEP Monitoring Form" through the chain of command to the Public Integrity Bureau. The report shall contain an account of the employee's observed behaviors when interacting with the public, particularly concerning the inappropriate behavior cited in the initial PPEP report and list any complaints (formal or informal) received on the employee, and the action/remedy taken. 2. Each bi weekly time period shall be comprised of two seven day weeks, (Sunday through Saturday). 3. The report shall be due in the Public Integrity Bureau office no later than Thursday after each two week period, by 4:00 P.M.

- **RETRAINING** the curriculum developed by the Education and Training Division shall be geared to improving an employee's skills in the following inclusive, but not exclusive areas: citizen interaction, sensitivity training, conflict resolution, complaint avoidance, use of force, communications, and community relations. 1. The Education and Training Division shall schedule the appropriate PPEP curriculum in keeping with the Superintendent's instructions. 2. Employees attending retraining shall be carried detailed from their regular assignment to the Education and Training Division. The Education and Training Division shall enter the employee's hours in the TRIP payroll system. 3. Attendance at all classes and satisfactory completion of the retraining program shall be mandatory for all employees referred for retraining through the program. 4. At the completion of PPEP retraining, the employee's Commander shall be responsible for monitoring the behavior of the employee on a formal basis, for a period of twenty four (24) weeks in accordance with paragraph 15b.

- **PSYCHOLOGICAL COUNSELING** may include the following: 1. Supervisory referral 2. Psychological evaluation

- **REASSIGNMENT** Administrative reassignment may occur

PR1056.6 PIB STAFF PROGRAM SECTION

The P.I.B. Staff Programs Section shall also be responsible for a continuous monitoring of incoming personnel complaints. An informational notice shall be forwarded through the employee's chain of command when the number of complaints received on an employee shows an abnormal increase over a short period of time. This notice shall serve to inform the employee's commander that the employee may be developing inappropriate patterns of behavior.

The commander shall be responsible for evaluating the employee's behavior and determining a suitable remedy if applicable.

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PR1056.7 ANALYSIS

The Public Integrity Bureau shall conduct an annual analysis of all employees participating in the PPEP program for each calendar year, and shall submit a report concerning the analysis of the program to the Superintendent of Police no later than March 31 for the preceding year.

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JOB PERFORMANCE IMPROVEMENT PLAN (JPIP)

PR1057.1 SUPERVISOR'S GUIDELINES

The following are guidelines for supervisors to use in determining when the Job Performance Improvement Plan (JPIP) is appropriate.

A JPIP may be used at any time to improve an employee's job performance. A JPIP shall be used if an employee's performance is rated less than acceptable on a performance evaluation.

Additionally, supervisors must decide when it's appropriate to move from verbal to a written level to improve the employee's performance in situations not related to corrective or disciplinary action.

Once it's recognized an employee's performance failed to improve after mentoring and verbal direction, the supervisor can initiate written documentation. Insert the blue highlighted sentence here.The following questions are pertinent in determining if it is appropriate to move to complete a Job Performance Improvement Plan form. (It is important any conversations and/or actions related to an employee's performance are documented by the supervisor.)

- Is substandard performance recent or previously discussed verbally?
- List the actions taken to date? (Ex: Verbal discussion, written agreement, training)
- How serious is the problem?
- Were there one or more previous verbal discussions about a performance problem(s)?
- What training was provided? When?
- Was the training related to the same sub-standard performance?
- Was the training recent?
- What was put in writing and when?
- Did the employee receive and understand the direction(s) or expectation(s) from the supervisors? Did the employee initial the written direction(s) expectation(s)?
- Have contributing factors or causes (e.g. personal problems, motivation, skills, etc.) been identified by a supervisor that mitigates the need to move to a stronger action until other actions are taken? (e.g. referral to treatment, training, accommodations, etc.)

PR1057.2 GUIDELINES

Guidelines for a Job Performance Improvement Plan (JPIP) should include:

(a) Outlining of the methods to be used in meeting the objective(s) set.

(b) Explaining the supervisor's role in assisting the employee to achieve satisfactory levels of performance. If formal training is applicable (i.e., Academy, reassigned to an FTO, etc.) all efforts should be made to make these resources available. Informal training (i.e., ride along with supervisors, etc.) methods are available.

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(c) Establishing controls to measure progress and communicating them in writing to the employee. The controls should be outlined and the employee informed of the control(s) in the JPIP written plan.

(d) Signing and dating the form by both employee and the supervisor.

(e) Approving the JPIP through the employee and supervisor's chain of command through their respective Bureau Chief(s).

PR1057.3 CONDUCTING A JOB PERFORMANCE IMPROVEMENT PLAN MEETING

Below are the guidelines for conducting a Job Performance Improvement Plan meeting.

PR1057.3.1 BEFORE MEETING WITH THE EMPLOYEE

Before meeting with an employee, supervisors shall:

(a) Advise/consult with the other supervisors in the employee's chain of command, to ensure the JPIP is consistent with other plans and expectations.

(b) Ensure disciplinary action or a P.I.B. investigation is not under consideration by supervisors based on any of the performance problems identified in the JPIP.

(c) Arrange for a private setting and ample time for discussion of the plan.

(d) Plan the agenda.

(e) Complete the Job Performance Improvement Plan form (Form #183).

PR1057.3.2 DURING THE MEETING WITH THE EMPLOYEE

During the meeting, supervisors shall:

(a) Review completely the Job Performance Improvement Plan form with the employee.

(b) Focus on the performance deficiency - not the employee.

1. State any deficiencies clearly along with examples of inappropriate performance. (e.g., reports sent back, activity sheets with no self-initiated activity, etc. - all of which is documentation that establishes the need for the JPIP. This information must be included on the Job Performance Improvement plan form).

(c) Use examples to augment the written plan.

(d) Maintain a positive, respectful, and helpful attitude.

(e) Listen to any explanations or statements of the employee.

(f) Remain calm and professional.

(g) Consider having a second supervisor present if circumstances warrant.

(h) Make sure you recognize any contributing factors outside the employee's control (e.g., training not provided, unclear instructions provided, etc.).

(i) If possible, work out a joint solution.

(j) Set clearly defined objectives for improved performance.

(k) Set a time frame for positive change.

(l) Take notes.

(m) Summarize the discussions.

(n) Express confidence the employee will improve.

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(o) Set a review date for a progress check.

(p) Advise the employee of consequences, if progress is not attained.

(q) Keep the employee focused on the problem, and help him/her take ownership (e.g., don't allow the employee to rationalize or minimize poor performance).

PR1057.3.3 AFTER THE MEETING

After the meeting, supervisor's shall:

(a) Follow up on progress using the Job Performance Improvement Plan form.

1. Document all meetings during the JPIP process in writing on NOPD Form 183, Job Performance Improvement Plan.
    (a) Ensure supervisors in the appropriate chain of command are notified and approves a contingency plan if the employee does not reach expectations.
    (b) Follow-up to the Job Performance Plan (JPIP).

(b) Document progress in writing.

(c) Meet regularly with the employee

(d) Document performance behavior, discussions, etc.

(e) Ensure time frames are met.

(f) Officer assistance if required.

PR1057.4 COMPLETING THE JOB PERFORMANCE IMPROVEMENT PLAN FORM

Only supervisory employees can complete a Job Performance Improvement Plan form.

The supervisor shall complete a Job Performance Improvement Plan form once he/she decides written documentation is necessary.

The Job Performance Improvement Plan form is used to document and address unsatisfactory and/or below standard employee performance, and clearly defined performance objectives and timelines to improve performance levels.

Complete all sections of the Job Performance Improvement Plan form. If additional space is needed for any section of the form, the reporting supervisor shall attach an interoffice memo. Clearly indicate what the additional information references.

Filling out the Job Performance Improvement Plan form:

(a) Indicate if the report is on the initial JPIP or a follow-up report.

(b) Enter all applicable information concerning the employee and the initiating supervisor as well as the date of the meeting.

(c) Part I: Describe in detail the facts and/or circumstances justifying the employee participating in a JPIP.

1. Identify/define the problem. (Be specific with dates, times, names, and/or other details.)
2. Summarize the history and actions taken to date.
3. Outline the significance of the performance deficiency.
4. Explain the impact of the unacceptable performance/behavior/conduct.

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PR1057.4.1 EXAMPLE OF PART 1 OF NARRATIVE

You transferred to the B platoon of the Ninth District on November 13, 2010. (Note here if any expectations as new member of the detail were discussed by the Sgt. or Lt.). (State here any other items that have already been addressed/discussed, with specificity and dates, etc., which demonstrate the employee has not performed to expectations, e.g., "We have met three times since the end of December (dates) to discuss the following areas of concern regarding your performance (list)."

In an effort to give you every opportunity to be successful in the NOPD, and to ensure that we are both very clear regarding those expectations, I have determined to institute a JPIP, despite the efforts to assist you in learning the responsibilities and expectations of your assignment. There have been noted deficiencies in your decreased productivity noted in evaluating your daily performance, and the quality of your police reports as submitted for supervisory approval has been less than expected of similarly situated police officers. Verbal discussions with you, as noted above, concerning these areas of deficient performance have not resulted in sustained or notable improvement. Therefore the purpose of this plan is to identify the specific areas of concern and to outline efforts necessary to correct those deficiencies.

List specific areas of concern and/or deficiency requiring improvement.

PR1057.4.2 EXAMPLE OF PART II NARRATIVE

1 - Your daily activity for the period of _____ through _____ has reflected several noted concerns. For example, your activity reports submitted for the month of January and February show little self initiated activity of any sort, investigations conducted, or arrests made. Additionally, when comparing these dates to the calls for service you were assigned, the records clearly indicate that there were several hours, per day, where self-initiated proactive efforts would be expected of professional police officers. However, you have recorded no proactive efforts during that time. (Cite examples and reference that copies of those reports are being held by supervisor).

2 - It has been necessary to return your paperwork for corrections due to grammatical errors, incomplete information, or it is illegible. The rewrites have resulted in reports not being turned in on time. During the period of _____ through _____, you completed 43 reports. Of those reports, 14 were returned because they lacked basic information (cite examples, and reference that copies of those reports are being held by supervisor); 6 were returned because they contained errors (wrong information, failing to check boxes, etc.) and 3 were so poorly written as to be illegible. Please understand that these types of errors and subsequent returns produce inefficiencies throughout this command and the department and is not the standard behavior of officers assigned.

PR1057.4.3 PLAN OF ACTION/FOLLOW-UP MEASURES/DURATION

List the plan of action and follow-up measures developed to assist in correcting deficiencies to include the meeting schedule and duration of the JPIP.

The JPIP should be a collaborative effort to ensure the employee and the supervisor jointly develops the work directives and identifies responsibilities for both parties.

(a) Specify the steps necessary for the employee to correct the problem, and include time frames for the completion of each step (Get the employee to take responsibility/ownership of the problem.).

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(b) What assistance will the supervisor provide? (e.g., training, referral to the Academy or departmental Psychologist, etc).

(c) Where appropriate, include a directive (e.g., employee directed to complete the expectation by a specific date, etc.).

(d) Record the actions taken or training provided to make the necessary corrections.

(e) Set data/records/examples of behavior to be monitored to demonstrate improved performance for meetings with employee.

(f) Explain future action if the problem persists. (e.g., additional corrective/disciplinary action etc.) This may not always be appropriate, and the issues of progressive discipline must be taken into account.

(g) Confer with District/Division Commander, P.I.B., Academy, or Police HR as needed.

(h) State the desired performance. (e.g., how it will be achieved, etc.) Be specific.

(i) Specify the job expectations in detail.

(j) Set date(s) to review progress.

PR1057.4.4 EXAMPLE OF PART III NARRATIVE

Per our discussion of today, the following measures we have identified will be taken to assist you in correcting the above noted deficiencies:

1 - We will meet once every two weeks to review your daily activity reports and other paperwork. The purpose of this meeting will be to review your work for accuracy, timeliness and acceptable activity.

2 - You will vary your patrol practices to ensure that when not on a call for service or an assignment authorized by a supervisory officer you are conducting proactive police work consistent with the needs of your area of patrol and the direction of your supervisors.

3 - You will be rescheduled for training at the Academy with emphasis on report writing skills and police tactics.

4 - You will be assigned to FTO _____ for a period of _____ to reacquaint you with proper NOPD procedures regarding reporting writing and police tactics.

5 - The duration of this Job Performance Improvement Plan will be _____ from the initial meeting date. (Sufficient time should be provided to reach the objectives, but in no circumstances should a JPIP exceed six (6) months.)

Indicate which, if any, documents are attached to the form.

NOTE: Employees shall be allowed to submit a statement documenting any explanation or documentation for their performance resulting in the JPIP. Any written statements will be attached to the Job Performance Improvement Plan form.

The employee and initiating supervisor shall sign and date the form. By signing this JPIP, the employee acknowledges that he/she has received a copy of the JPIP. The form shall be forwarded through the affected employee's chain of command through their bureau chief for review/approval and sign The original with supporting documentation shall be forwarded to the Public Integrity Bureau.

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PR1057.5 DOCUMENTATION

The original signed copy of the JPIP and all supporting documentation shall be distributed as follows:

(a) The original signed copy of the JPIP shall become part of the employee's permanent personnel file in the Personnel Section.

(b) A copy shall be maintained at the employee's place of assignment.

(c) A copy to the employee.

(d) A copy to the Commander or Civilian equivalent and a copy to the employee's Bureau Chief or Director. If there is a change in the employee's assignment for any reason, before a JPIP is completed, the JPIP shall continue at the employee's new assignment. It shall be the duty of the originating supervisor to inform the employee's new supervisor of the JPIP. If the new assignment does not require the same job responsibilities that required the JPIP, then the initiating supervisor and new supervisor shall decide if the JPIP will continue. If it is agreed the JPIP should be terminated, the reasons for termination shall be noted in the JPIP.

(e) A copy to Public Integrity Bureau.

If the employee's unsatisfactory job performance continues after completing all required provisions outlined in the Job Performance Improvement Plan(JPIP) form, a formal disciplinary process shall be initiated. Failure of an employee to successfully complete the terms and conditions of a JPIP is grounds for corrective and/or disciplinary action with penalties up to and including termination.

Supervisors may consult with their Commanders, the Commander of the Personnel Section, a representative of the Public Integrity Bureau (P.I.B.), for assistance. Additionally, supervisors shall utilize the guidelines in determining when a JPIP is appropriate.

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